



St Hilda's College  
UNIVERSITY OF OXFORD

# ST HILDA'S COLLEGE

## BY-LAWS

With latest amendments as agreed by Governing Body  
at a Special General Meeting on  
11<sup>th</sup> October 2023

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## BY-LAW I. THE GOVERNING BODY

### 1. Overall remit

The Governing Body shall have responsibility for the overall policies, strategic direction, governance and management of the affairs of the College

### 2. Powers to be exercised solely by the Governing Body

The Governing Body shall reserve to itself authority over the following matters:

#### *Overall policies*

- (i) Consideration and approval of major aspects of policy for education and academic affairs, in the context of University Education Policy.
- (ii) Consideration and approval of major questions of financial policy, including agreement to the allocation of finance between the University and the colleges, and between the colleges.
- (iii) Consideration and approval of other key College policy frameworks, including for Development, HR, accommodation and facilities, IT, Health and Safety.

#### *Strategic Direction*

- (iv) Consideration and approval of a 5-year Strategic Plan for the College, ensuring that the Strategic Plan includes strategies for pursuing the core charitable purposes of the College (education and research) and for providing the human, physical and financial infrastructure to support those strategies.
- (v) Regular review of the Strategic Plan in response to changes in the external and internal environment of the College.
- (vi) Approval of the investment strategy, and changes to the strategy, on the recommendation of the Investment Committee.

#### *Governance and Management*

- (vii) Adoption or alteration of the Statutes, prior to submission to the Privy Council, and the By-laws (Statutes by a two-thirds majority of those present or voting at a Stated or Special GB).
- (viii) Receipt and adoption of the Trustees' annual report and statutory accounts.
- (ix) Review and approval of the risk management plans, on the recommendation of the General Purposes Committee.
- (x) Approval of a budget of revenue and expenditure for each financial year, on the recommendation of the General Purposes Committee.
- (xi) Approval of the concept and financial parameters of all property transactions, after consideration of any s119 report required.
- (xii) Election of the Visitor.
- (xiii) Election of the Principal.
- (xiv) Election of Fellows.
- (xv) Appointment of College Officers and assignation of their stipends.

- (xvi) Appointment of members of College committees.
- (xvii) Dismissal of a member of academic staff on grounds of redundancy.
- (xviii) Rustication or sending down of students.
- (xix) Withdrawal of scholarships or exhibitions.
- (xx) Approval of the appointment of investment managers, on the recommendation of the Investment Committee.
- (xxi) Exercise of a general oversight of the performance of the investment managers.
- (xxii) Approval of the use of the College Seal.
- (xxiii) Receipt and approval of minutes from the General Purposes Committee and other standing committees reporting to the Governing Body.

### 3. The Secretary

- (a) The Secretary to committee shall be the College's Governing Body Secretary.
- (b) In the absence of the Secretary, another member of the administrative staff shall take the minutes.

### 4. Minutes

The minutes of all meetings of the Governing Body shall be circulated to all members. The minutes of Agenda A shall be circulated to JCR and MCR representatives (see 7(c) below).

### 5. Stated General Meeting

- (a) The Stated General Meeting shall be held on Wednesday in the eighth week of each Full Term.
- (b) Notice of any motion to be brought forward shall be sent to the Secretary not less than ten days before the meeting at which it is to be brought forward. The Secretary shall send out not less than seven days before the meeting the Agenda so far as then known.
- (c) Supplementary Agenda circulated before a Stated General Meeting may be considered by permission of a simple majority of those present and voting.

### 6. Special General Meetings

- (a) The Secretary shall send out the Agenda as required by Statute I, 3(ii).
- (b) The Governing Body may invite any person to attend all or part of a Special General Meeting but not to vote.

### 7. Ordinary Meetings

- (a) The dates for meetings shall be fixed at the beginning of each term. Except as provided below, the Secretary shall circulate the Agenda at least four days before the meeting.
- (b) In exceptional circumstances a meeting of the Governing Body may be summoned at shorter notice, and in this case the Agenda shall state the purpose of the meeting and no other business shall be transacted at it.

- (c) The Agenda will be divided into two parts, Agenda A and Agenda B, the latter containing reserved business.
- (d) The President of the JCR and the President of the MCR shall attend for Agenda A with the right to speak but not to vote. Each of the JCR and MCR may send one or more further representatives where this is necessary to cover particular agenda items. Those representatives may speak but not vote.
- (e) The Governing Body may invite any person to attend all or part of an Ordinary meeting but not to vote.

## 8. Confidentiality

The business of Governing Body and its committees is confidential, except insofar as the Governing Body shall decide otherwise.

Last amended 16.10.19

## BY LAW II. COMMITTEES

### PART A: Standing Committees of the Governing Body

1. The following Standing Committees shall be Committees of the Governing Body constituted under Statute I,6. The minutes of each Committee shall be presented to the Governing Body at an Ordinary and confirmed at a Stated General Meeting. The following Standing Committees shall be appointed annually by the Governing Body at the Stated General Meeting in Trinity Term and their membership and functions shall be as herein laid down. Vacancies in the membership of any of the Standing Committees shall be filled by appointment by the Governing Body at an Ordinary, Special or Stated General Meeting.

Save as hereinafter provided all Standing Committees shall be open Committees and anyone who is not a member of that Committee but who is eligible for membership of that Committee shall be entitled to attend meetings of that Committee but not to vote. The Tutorial Committee, the Investment Committee, the Disciplinary Committee, the Academic Disciplinary Committee, the Personnel and Conditions of Employment Committee, and the Remuneration Committee shall not be open Committees. All Standing Committees may invite any person to attend all or part of a meeting, for example, in an advisory role but not to vote.

All Standing Committees shall have a quorum of one third of those members entitled to vote, except for the General Purposes Committee for which the quorum shall be one half of those members entitled to vote. The General Purposes Committee will also be inquorate if fewer than three of the academic Fellows who are members of the Committee are in attendance.

Save as hereinafter provided, all members of Standing Committees elected by Governing Body shall be elected for a term of three years and shall be eligible for re-election.

Save as hereinafter provided the Principal shall be the Chair of the Standing Committees, and in her absence the same rules for taking the Chair shall be observed as for meetings of the Governing Body (Statute I, 2). The Chair of the Remuneration Committee shall be appointed from time to time by Governing Body from the members of that Committee.

#### (a) TUTORIAL COMMITTEE

- (i) The members shall be the Principal, the Tutors, the Beale Fellows, the Lecturers with tutorial control, the Senior Tutor (in the Chair), the Tutor for Graduates and the Academic Registrar. The Academic Registrar shall be Secretary of the Committee.
- (ii) It shall be the duty of the Committee:
  1. To deal with educational matters and matters of tutorial control for undergraduates and academic advice and progression for graduates. Questions of major educational policy shall be referred to the Governing Body.
  2. To make arrangements for admissions.
  3. To award Scholarships, Exhibitions and Prizes. The Committee may award a scholarship to an undergraduate who has been in residence for at least three terms, on the grounds that her work is predominantly of first class quality. The Committee

may also award an Exhibition to an undergraduate who has been in residence for at least three terms on the grounds that her work shows some evidence of first class quality.

Second BA students or others on two year courses may be dispensed from the requirement to have been in residence for at least three terms. The Tutor proposing such awards shall produce evidence of the candidate's academic ability, e.g. in university examinations and prizes, College collections and prizes, and in her weekly work as assessed by those who have taught her. Such evidence shall be circulated to the Committee before the meeting at which the award is to be considered.

4. To receive such reports upon the industry and conduct of undergraduates as may from time to time be made by Tutors, and to take appropriate action. Should the Committee think it desirable to suspend or withdraw a Scholarship or Exhibition, it shall recommend this to the Governing Body, which may take action in accordance with Statute VI,2. If the academic work or tutorial attendance of an undergraduate is unsatisfactory for a period of weeks, or if her performance in College collections or in the First Public Examination is unsatisfactory, she may be placed on academic probation by her tutor in accordance with the procedure for Academic Discipline in By-Law XX and this shall be reported termly to the Tutorial Committee.

## **(b) GENERAL PURPOSES COMMITTEE**

- (i) The members shall be the Principal, the Vice-Principal, the Bursar, the Senior Tutor, the Tutor for Graduates, the Dean, the Domestic Fellow, and at least two and up to four other academic Governing Body Fellows elected by the Governing Body to achieve balance between the academic divisions, after taking account of the academic disciplines of the members on the Committee in an ex officio capacity. The Governing Body Secretary shall be Secretary of the Committee.
- (ii) There shall be one representative from the JCR and one from the MCR consisting of the President in each case. The agenda shall be divided into two parts, Agenda A and Agenda B, the latter containing reserved business. The President of the JCR and the President of the MCR shall attend for Agenda A with the right to speak but not to vote, and the minutes of Agenda A shall be circulated to them. The JCR Treasurer and MCR Treasurer may attend for any financial items on Agenda A as required.
- (iii) The terms of reference of the Committee shall be:

### *Strategic Plan*

1. To undertake the regular monitoring of the implementation of the Strategic Plan, on behalf of the Governing Body.
2. To receive regular reports from College Officers on progress in implementing the Strategic Plan in areas for which they are responsible.
3. To scrutinise the College's Risk Register and to recommend to Governing Body an appropriate risk management plan.

#### *Academic Affairs*

4. To oversee the implementation of the academic plan for the College, working within the academic strategy approved by the Governing Body as part of the College Strategic Plan.
5. To investigate, explore and propose bids for association with joint appointments which are in line with the academic strategy in the Strategic Plan.
6. To submit the bids for association, following report to and consultation with Governing Body members prior to the bid deadline.
7. To consider and approve requests for temporary leave from undergraduate teaching (including sabbatical, research, maternity leave and leave for full time faculty and university duties) and for teaching reductions and buyouts for College Offices and for faculty duties.
8. To consider and approve the arrangements for replacement teaching to cover all forms of temporary leave from undergraduate teaching, and temporary reductions in teaching stint.
9. To review and submit the College reports for the University annual review of academic provision for undergraduates and postgraduates.
10. To consider and agree responses to University consultation papers on operational aspects of academic affairs, including access and admissions.

#### *Finance and resources*

11. To oversee the implementation of the financial plan for the College, working within the financial strategy approved by the Governing Body as part of the Strategic Plan.
12. To scrutinise the management accounts and financial and operational reports presented by the Bursar.
13. To recommend a budget of revenue and expenditure for each financial year to the Governing Body.
14. To scrutinise the statutory accounts and trustees' annual report prior to their adoption by the Governing Body.
15. To authorise exceptional expenditure from the revenue, up to a limit of £150,000 provided that this expenditure is within the scope of the strategic plan and annual budget previously agreed by the Governing Body. To report such exceptional expenditure from the revenue to the next Ordinary meeting of the Governing Body.
16. To approve the steps necessary to execute property transactions which are within the Strategic Plan and where the concept and financial parameters have been approved by the Governing Body.
17. To approve the terms and conditions of employment of administrative staff, and changes thereto.

#### *Other operational issues*

18. To receive and approve regular minutes from committees which report to the General Purposes Committee.

19. To receive termly reports from Fellows and College Officers with particular areas of administrative responsibility not covered by specific committees, such as in relation to Communications, IT, the Library and the Sanctuary.

### (c) INVESTMENT COMMITTEE

- (i) The members shall be the Principal, the Vice-Principal, the Bursar, at least one financial adviser as required by Statute VIII, 2, three Governing Body Fellows (elected by Governing Body) who shall serve for not more than four consecutive years. There shall be one non-voting representative for each of the JCR and MCR. The Bursar shall be the Secretary. The College Accountant shall be in attendance.
- (ii) The Committee shall report to the Governing Body on the implementation of the investment strategy.
- (iii) It shall be the duty of the Committee:
1. To hold the investment managers to account for their performance, in detail, on a quarterly basis.
  2. To monitor the investment performance against the benchmarks set and agreed.
  3. To review key aspects of the ways in which the investment managers carry out their role and their management of particular forms of risk.
  4. As required, to take urgent decisions in response to major financial market movements in order to reduce unacceptable risk to the College.

### (d) DEVELOPMENT ADVISORY COMMITTEE

- (i) The members shall be the Principal, the Vice-Principal, the Bursar, the Development Director, the Deputy Development Director, the Chair of the Association of Senior Members, two other Senior Members to be invited by the College after discussion with the Chair of the A.S.M, and three other Governing Body Fellows to serve for four years and who shall be eligible for re-election. There shall be one representative from the JCR and one from the MCR. It shall be open to the Committee to divide its business into two parts, Agenda A and Agenda B, the latter containing reserved business. The minutes of Agenda A shall be circulated to JCR and MCR representatives. The Development Manager shall be the Secretary and the Head of Communications shall attend but may not vote.
- (ii) It shall be the duty of the Committee:
- To provide a forum in which representatives of Fellows, Senior Members and Junior Members can review progress in fund-raising, exchange ideas, discuss strategy and formulate recommendations to the Governing Body.

## (e) RESEARCH COMMITTEE

- (i) The members shall be the Chair (elected by Governing Body), the Senior Tutor, the Tutor for Graduates, , one Governing Body Fellow from each Division of the University (Humanities, Social Sciences, MPLS, Medical Sciences) (elected by Governing Body), one JRF (elected by Governing Body), a representative from the ARF (elected by Governing Body), a Supernumerary Fellow (non-GB) (elected by Governing Body), a representative from the MCR, and a representative from the JCR. The presence of a minimum of four GB Fellows is required for the meeting to be quorate. JCR and MCR representatives may attend Agenda A only (when the agenda is divided into reserved and unreserved business), and may not vote. The Academic Registrar shall be the Secretary and the Head of Communications shall attend but may not vote.
- (ii) It shall be the duty of the Committee:
1. To review College Research Strategy on a regular basis, and make recommendations to GB for its competitive development;
  2. To review criteria for the appointment of JRFs, ARFs, and SRFs on a regular basis, and make recommendations to GB on recruitment for such appointments;
  3. To promote and support events aimed at stimulating the research development of JRFs, ARFs, CDFs, graduate and undergraduate students;
  4. To make recommendations on behalf of GB for the allocation of College funding for research projects and research seminars, symposia and other research-related activities by managing the termly research funding application process and reviewing proposals and/or making proposals to be reported to GB;
  5. To work with the Head of Communications on the formulation and implementation of strategy on research communications;
  6. To work with the Tutor for Graduates and MCR to support college-based MCR research events;
  7. To liaise closely with the Development Office over fund-raising to support research activities and developments in College; and
  8. To respond to GB decisions for development and prioritisation of research spending, research scope and research-related activities in relation to the College Research Strategy.

## (f) DISCIPLINARY COMMITTEE

- (i) The Members shall be the Vice-Principal and three further Governing Body Fellows (elected by Governing Body). Governing Body Fellows are eligible for re-election provided that they shall not serve more than two consecutive terms. Where practicable, the terms for which Governing Body Fellows are appointed should be staggered. In the event that any member is absent, or debarred for any reason (for example, as tutor or adviser to the undergraduate concerned, because of her involvement in the matter under consideration, or further to the Principal's consideration of an appeal from the subject of a case under By-Law XX, Part B

6.11) from adjudicating on a particular case, a substitute shall be co-opted by the Principal should this be necessary to form a Disciplinary Panel. Any such co-option shall be reported to the Governing Body at the next meeting.

(ii) It shall be the duty of the Committee:

To consider disciplinary cases referred to it under the procedures in By-Law XX, Part B and, in accordance with the provisions of those procedures, after due investigation, to impose on any Junior Member guilty of a disciplinary offence an appropriate penalty.

## **(g) ACADEMIC DISCIPLINARY COMMITTEE**

(i) The members shall be the Vice-Principal (in the Chair) and three further Governing Body Fellows (elected by Governing Body). Governing Body Fellows are eligible for re-election unless the Committee has met during the initial term of appointment and that Fellow was involved in the Committee's considerations. Where practicable, the terms for which Governing Body Fellows are appointed should be staggered. The Committee may additionally co-opt an external member (for example, a tutorial Fellow of another Oxford College). In the event that any member is absent, or debarred for any reason (for example, as tutor or adviser to the undergraduate concerned, or because of her involvement in the matter under consideration) from adjudicating on a particular case, a substitute shall be co-opted. If the Vice-Principal is so debarred, the chair shall be taken by the senior member of the Governing Body who is present.

(ii) It shall be the duty of the Committee:

To make recommendations to the Governing Body in the case of an undergraduate who has been referred to the Academic Disciplinary Committee Probation Stage 4 under By-Law XX, Part D.

## **(h) PERSONNEL AND CONDITIONS OF EMPLOYMENT COMMITTEE**

(i) The Members shall be four Governing Body Fellows (elected by Governing Body), one of whom should normally be nominated by the Administrative Fellows, the Bursar, and the HR Manager who shall serve as Secretary. The Chair shall be appointed by Governing Body.

(ii) It shall be the duty of the Committee:

1. To keep under review and make recommendations to the Governing Body and the General Purposes Committee as necessary on personnel issues and on the salaries, wages and conditions of employment of all non-academic staff, including proposals for new posts, the grading and regrading of existing posts, and any extraordinary payments.
2. It will have authority to award additional increments based on merit and agree annual increases for domestic staff. It will review recommendations for any additional increments from the Line Managers.

## (j) STATUTES AND BY-LAWS COMMITTEE

(i) The Members shall be the Principal (in the Chair) and two Governing Body Fellows (elected by Governing Body);

(ii) It shall be the duty of the Committee:

To keep the Statutes and By-Laws under review; to recommend changes to the Governing Body; to ensure that amendments once agreed are brought into effect as quickly as practicable taking account of the College's own constitutional rules and the need for compliance with the Universities of Oxford and Cambridge Act 1923.

## (k) REMUNERATION COMMITTEE

(i) The membership of the Committee shall consist of six members elected by the Governing Body on the advice of the General Purposes Committee. There shall normally be two members who are recently retired Emeritus or Supernumerary Fellows not in receipt of remuneration or benefits from the College, and four members who are Alumnae with experience of governance at senior levels in bodies external to the College ('external members'). Members shall be elected to serve for a term of four years which may be renewed once. The Chair shall be appointed from time to time by the Governing Body from the members of the Committee. The Principal, Vice-Principal, Bursar and the HR Manager shall be entitled to attend meetings of the Committee but not to vote. A meeting of the Committee shall not be quorate unless three members are present and at least two of those members are external members.

At least one of the Principal, Vice-Principal or Bursar must be in attendance at each meeting.

(ii) It shall be the duty of the Committee:

To act as a body to set the level of remuneration and direct and indirect benefits ('the terms of remuneration') for the Principal and Fellows of the College.

The terms of remuneration to be considered by the Committee shall include:

- (i) stipend/salary paid by the College where this is not linked to or determined by the University's agreed salary scales;
- (ii) allowances/stipends made to holders of College Offices;
- (iii) allowances, both monetary and in kind, provided by the College (including provision of living accommodation);
- (iv) severance payments (including augmentation of pension benefits) to be paid in case of termination of employment;
- (v) any other payments or benefits paid by the College to the Principal and Fellows;
- (vi) policies with regard to the claiming of expenses incurred for work purposes by the Principal and Fellows.

## **(I) NOMINATIONS COMMITTEE**

(i) The membership of the Committee shall consist of five members, the Principal (Chair), the Vice-Principal and three other Governing Body Fellows (elected by Governing Body).

(ii) It shall be the duty of the Committee:

To identify candidates for membership of the Standing Committees and other non standing committees, and to identify candidates for College Offices, except the Vice-Principal who is identified and elected directly by Governing Body. To ascertain whether those identified are willing to serve and to recommend appointments to the Governing Body for approval in Trinity Term of each academic year, and throughout the academic year as vacancies arise.

## **PART B: Other Committees**

2. The following Committees shall be appointed annually by the Governing Body at the Stated General Meeting in Trinity Term and their membership and functions shall be as herein laid down. All of the following Committees may invite any person to attend all or part of a meeting, for example, in an advisory role but not to vote. The minutes shall be presented to the General Purposes Committee:

### **(a) WELFARE COMMITTEE**

(i) The members shall be the Dean (Chair) and Junior Deans, the Disability Fellow, the Academic Registrar, the Domestic Bursar, the College Nurse, the Welfare Officer, the College Counsellor, the College Chaplain, two JCR and two MCR representatives (not necessarily the Presidents), and the Tutorial Officer (representing staff interests, secretary to the Committee).

(ii) It shall be the duty of the Committee:

To consider general issues of health and welfare affecting Junior Members.

### **(b) PICTURE AND PUBLIC SPACES COMMITTEE**

(i) The members shall be four Governing Body Fellows, one of whom shall be Chair of the Committee, and the Domestic Fellow. They shall report annually to the General Purposes Committee.

(ii) It shall be the duty of the Committee:

1. To deal with the following matters pertaining to the College pictures and Applied Art, including antique and fine furniture (but not everyday working college furniture), decorative art etc: acquisition, hanging, conservation, exhibition, display and the maintenance of an inventory. Control of the income of the Neep Art Fund which is to be used for the acquisition and restoration of the above objects; to implement the wishes of Mrs Neep including the stipulation that the objects should be held for the use of Fellows, particularly in their College rooms.
2. With input from the Domestic Bursar and the Head of Estates, to propose decoration and/or refurbishment of key College spaces, including without limitation, consideration of colour schemes, lighting, floor finishes, soft furnishings, and

everyday working furniture. Any such proposal of decoration or refurbishment to be subject to budgetary approval;

**(c) ACCESS AND ADMISSIONS COMMITTEE**

(i) The members shall be the Senior Tutor (Chair), and the Undergraduate Admissions and Outreach Manager (Secretary to the Committee), and up to three representatives of the Junior Common Room.

(ii) It shall be the duty of the Committee:

To explore and implement the best ways of establishing and maintaining links between St Hilda's and schools and colleges, so as to encourage good quality applications.

**(d) GRADUATE AWARDS COMMITTEE**

(i) The members shall be the Senior Tutor (Chair), the Tutor for Graduates, the Bursar and four Governing Body Fellows, one from each academic Division.

(ii) It shall be the duty of the Committee:

To allocate annually scholarships and bursaries for graduate students from agreed Trust Funds.

**(e) SUPPORT AND TRAVEL GRANTS COMMITTEE**

(i) The members shall be the Senior Tutor (Chair), the Dean, the Tutor for Graduates, the Bursar and the College Accountant

(ii) It shall be the duty of the Committee:

To allocate funds from certain Trust Funds. To provide a written report of grants made at the end of Trinity Term.

**(f) GARDEN COMMITTEE**

(i) The members shall be three Fellows (at least two of whom shall be Governing Body Fellows). One member shall be Chair of the Committee. They shall report annually to the General Purposes Committee and hold annual meetings with the Junior, Middle and Senior Common Rooms.

(ii) It shall be the duty of the Committee:

1. To manage matters pertaining to the College gardens and plantings, including developing and maintaining integrity of the College's garden masterplan, overseeing implementation of the garden masterplan, advising on long term plantings such as trees and climbers, advising on installation of items such as hard landscaping, garden

ornaments and garden benches and ensuring the College site is managed according to ecologically sound principles.

2. To advise Governing Body on the introduction, amendment or withdrawal of policies relevant to the gardens and plantings.
3. To oversee the management of the College Garden Fund and such other funds as may be allocated by Governing Body.
4. To report annually to the General Purposes Committee and hold annual meetings with the Junior, Middle and Senior Common Rooms.

## **(g) WOODLAND MANAGEMENT COMMITTEE**

- (i) The members shall be the Principal, the Bursar, at least two and up to five Governing Body Fellows, the Head of Estates, the Head of Communications, and a representative from each of the Junior and Middle Common Rooms. Up to three other members of College may be co-opted as members of this Committee where they have an expressed personal or professional interest in the work of the Committee. The Principal's PA shall be the Secretary.
- (ii) The Committee shall consult, as appropriate, with the Vice-Principal, the Development Director, and any other relevant Fellows and managers of the College.
- (iii) The remit of the Woodland Management Committee is to consider and propose to the General Purposes Committee, for approval and recommendation to Governing Body:
  - (a) The management and use of Radley Large Wood and other such areas of woodland owned by the College;
  - (b) The priority, scope, budget and the practical and physical considerations of any capital projects, and maintenance projects, in respect of 1; and
  - (c) Such other projects related to the College's woodland assets.

## **(h) JACQUELINE DU PRÉ BUILDING ADVISORY COMMITTEE**

- (i) The members shall be the Principal or a member of Governing Body elected by Governing Body (Chair), the Bursar, the JdP Fellow, the Deputy Development Director, the John Bennett Lecturer in Music and Artistic Director of the JdP, the Director of College Music, and the JdP and Student Events Lead. Up to two other individuals (who may, but need not be external) may be co-opted as members of this Committee where they have an expressed personal or professional interest in the work of the Committee. The Academic Registrar shall be the secretary and the Head of Communications shall be in attendance. Representatives of the Junior Common Room and the Middle Common Room may be invited to attend.
- (ii) It shall be the duty of the Committee:

To manage matters pertaining to the Jacqueline Du Pré Music Building, including:

  - (a) overseeing and supporting the annual concert series and other activities within the facility;

- (b) advising on long term planning and development of the facility and related activities;
- (c) considering strategy for Development Office support of activities in the facility
- (d) overseeing the annual budget; and
- (e) supporting and encouraging effective communication and marketing relating to the operation of the facility.

## **(j) HEALTH & SAFETY CONSULTATIVE COMMITTEE**

- (i) The members shall be the Bursar (Chair), one Governing Body Fellow elected by Governing Body for a term of three years, the Domestic Bursar, the Head of Estates, the Front of House and Catering Manager, the Librarian, the Junior Deans, the College Nurse and the College's Health & Safety Consultant. The PA to the Principal shall be the secretary.
- (ii) It shall be the duty of the Committee:
  - (a) to ensure the College's compliance with relevant Health and Safety legislation as applies to the College's operation.
  - (b) to commission an annual review to assess the College's approach to health and safety, and the effectiveness of associated management systems across all main departments, functions and buildings; and
  - (c) to review the outcomes and recommendations of the annual health and safety review and to implement the recommendations as appropriate.

## **(k) SUSTAINABILITY COMMITTEE**

- (i) The members shall be the Principal (Chair), the Bursar, up to four Governing Body Fellows elected by Governing Body for a term of three years, the Domestic Bursar, the Head of Estates, the Front of House and Catering Manager, the IT Manager, the Deputy Development Director, the Head of Communications and one representative from each of the Junior Common Room and Middle Common Room. The Head of Communications shall also be secretary.
- (ii) It shall be the duty of the Committee:
  - (a) to assess the environmental impact of the College's activities, including energy consumption and supply chains;
  - (b) develop a sustainability strategy for the College, with a particular focus on (i) decarbonisation of the College estate, (ii) reduction in energy use, and (iii) protection of biodiversity;
  - (c) consider how the sustainability strategy may be aligned with the University's equivalent strategy; and
  - (d) consider the most effective communication of the College's sustainability strategy and initiatives both within and beyond College.

## PART C: Special Committees

3. Special Committees may be appointed by the Governing Body as required for functions not falling within the powers of the Committees listed above.

Last amended 14.06.23

### BY-LAW III. THE SEAL

1. The Seal shall be in the custody of the Principal: she shall hold one of the two keys locking the Seal; the other shall be kept in the Accounts Office. The Principal may on any particular occasion delegate her charge to the Vice Principal or to the Senior Fellow in residence.
2. A register shall be kept of all sealings. All entries therein shall be initialled by those members of the Governing Body who witness the sealings in accordance with Statute I, 9.

Last amended 9.10.13

## BY-LAW IV. THE PRINCIPAL

1. The Principal's stipend shall be determined from time to time by the Governing Body at a Stated or Special General Meeting and recorded in the financial appendix to these By Laws, and shall be reviewed by the Remuneration Committee. She shall also have use of an entertainment allowance determined and recorded in like manner; in addition to the benefits set out within the Statutes, she shall be entitled to free utilities in the Principal's Lodging (or such other lodging as may be provided by the College in case of temporary emergency); she shall be entitled to the services of a housekeeper, or to such equivalent domestic services as the Governing Body may from time to time approve.
2. If the Principal is prevented by illness from carrying out her duties, she shall receive her full stipend for three months. The sickness benefit to which she would be entitled shall be received by the College. If her illness is prolonged for more than three months, the Governing Body may make such arrangements as it thinks fit.
3. If the Principal wishes to resign her office before she reaches the age set out in the Employer Justified Retirement Age policy, she shall give notice of her intention not later than the Stated General Meeting in the Trinity Term of the academic year preceding the year of her retirement. In case of ill health or other emergency, shorter notice may be accepted by the Governing Body at a Stated or Special General Meeting.
4. The College may supplement the pension of the Principal if the Governing Body deems the pension provided by the University pension scheme in force to be inadequate.

Last amended 17.06.20 (with effect from 01.07.20)

## BY-LAW V. THE VICE PRINCIPAL

1. The Vice Principal, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for such period as the Governing Body may decide at the time of election, normally three years. She shall be eligible for re election.
2. She shall take precedence after the Principal.
3. She shall receive, in addition to her stipend, an allowance and/or entitlement to teaching remission which shall be determined from time to time by the Governing Body at a Stated or Special Meeting and recorded in the financial appendix to these By Laws. If the Principal has been granted special leave of absence during term for a period exceeding two weeks, or at any time has been unable to fulfil her duties for a period exceeding two weeks because of illness, the Vice Principal shall receive an allowance for the whole period for acting on her behalf.
4. A role description setting out the main duties of the office of Vice-Principal shall be approved by the Governing Body and reviewed from time to time. As a minimum it shall be reviewed on a three yearly basis before each election.

Last amended 17.06.20 (with effect from 01.07.20)

## BY-LAW VI. THE BURSAR, DEVELOPMENT DIRECTOR AND SENIOR TUTOR

### 1. Bursar

- (a) The Bursar is a full-time professional position. The Bursar shall be appointed by the Governing Body through a fair and open competition for the post. She shall attend Governing Body meetings and shall be appointed a Fellow of the College and a member of the Governing Body at the end of her probationary period, subject to satisfactory performance in the role.
- (b) She shall carry out such duties as the Governing Body may from time to time determine. In particular, she shall be responsible for the effective management of the College's finances and facilities, the operation of the conference and function business, and ensuring that the College's investment funds are effectively managed.
- (c) The Bursar has delegated responsibility for compliance with the legislation related to the College's legal and charitable status.

### 2. Development Director

- (a) The Development Director is a full-time professional position. The Development Director shall be appointed by the Governing Body through a fair and open competition for the post. She shall attend Governing Body meetings and shall be appointed a Fellow of the College and a member of the Governing Body at the end of her probationary period, subject to satisfactory performance in the role.
- (b) She shall carry out such duties as the Governing Body may from time to time determine. In particular, she shall be responsible for developing and implementing College's fundraising and alumnae relations strategy designed to advance the College's long-term strategic goals. She shall be the College's lead fundraiser, stewarding donor relationships and responsible for developing and overseeing effective fundraising at all levels.

### 3. Senior Tutor

- (a) The Senior Tutorship is a full-time professional position. The Senior Tutor shall be appointed by the Governing Body through a fair and open competition for the post. She shall attend Governing Body meetings and shall be appointed a Fellow of the College and a member of the Governing Body at the end of her probationary period, subject to satisfactory performance in the role.
- (b) She shall carry out such duties as the Governing Body may from time to time determine. In particular, she shall be responsible for overseeing academic appointments and elections, the provision of undergraduate teaching in the College, and the standard of teaching provided. She shall be available for consultation in cases where an undergraduate's academic work is giving cause for concern.
- (c) The Senior Tutor's remit shall include that of the Tutor for Admissions, and in that capacity she shall carry out such duties as the Governing Body may from time to time determine. In

particular, she shall co-ordinate undergraduate and postgraduate admissions to the College and the development of relationships between the College and schools.

- (d) The Senior Tutor shall be entitled to a living-out allowance.

Last amended 14.06.23

## BY-LAW VII. THE DEAN

1. The Dean, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re election.
2. She shall carry out such duties as the Governing Body may from time to time determine, including the exercise of the disciplinary powers and responsibilities in By-Law XX and involvement with the College's welfare provision. A role description setting out the main duties of the office of Dean shall be approved by the Governing Body and reviewed from time to time.
3. She shall receive, in addition to her stipend, an allowance and/or entitlement to teaching remission which shall be determined from time to time by the Governing Body at a Stated or Special General Meeting and recorded in the financial appendix to these By Laws.

Last amended 16.10.19

## BY-LAW VIII. TUTOR FOR GRADUATES

1. The Tutor for Graduates, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re-election.
2. She shall carry out such duties as the Governing Body may from time to time determine. In particular, she shall be responsible for co-ordinating the academic progress and pastoral welfare of all Junior Members reading for graduate degrees. A role description setting out the main duties of the office of Tutor for Graduates shall be approved by the Governing Body and reviewed from time to time. As a minimum it shall be reviewed on a three yearly basis before each election.
3. She shall receive, in addition to her stipend, an allowance and/or entitlement to teaching remission which shall be determined from time to time by the Governing Body at a Stated General or Special Meeting and recorded in the financial appendix to these By-Laws.

Last amended 16.10.19

## BY-LAW IX. THE DOMESTIC FELLOW

1. The Domestic Fellow, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re-election.
2. She shall carry out such duties as the Governing Body may from time to time determine. In particular, she shall act as point of contact for all constituencies within College on domestic matters, and lead a consultation process when necessary.
3. A role description setting out the main duties of the office of Domestic Fellow shall be approved by the Governing Body and reviewed from time to time. As a minimum it shall be reviewed on a three yearly basis before each election.
4. She may receive, in addition to her stipend, an allowance which shall be determined from time to time by the Governing Body at a Stated or Special General Meeting and recorded in the financial appendix to these By-Laws.

Added 14.10.15

## BY-LAW X. THE DISABILITY FELLOW AND THE EQUALITY AND DIVERSITY FELLOW

### 1. The Disability Fellow

- (a) The Disability Fellow, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re-election.
- (b) She shall carry out such duties as the Governing Body may from time to time determine. In particular, she shall act as point of contact for all members of College on issues relating to disability, liaise with the University's Disability Advisory Service on the provision of support for students with disabilities, and shall seek to ensure that all policies and College decisions are taken having paid proper regard to matters of disability.
- (c) She shall receive entitlement to teaching remission which shall be determined from time to time by the Governing Body at a Stated or Special Meeting and recorded in the financial appendix to these By-Laws.

### 2. The Equality and Diversity Fellow

- (a) The Equality and Diversity Fellow, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re-election.
- (b) She shall carry out such duties as the Governing Body may from time to time determine. In particular, she shall act as point of contact for all members of College on issues relating to equality and diversity, and shall seek to ensure that the all policies and College decisions are taken having paid proper regard to matters of equality and diversity.
- (c) She may receive entitlement to teaching remission which shall be determined from time to time by the Governing Body at a Stated or Special Meeting and recorded in the financial appendix to these By-Laws.

Added 16.10.19

## BY-LAW XI. THE INFORMATION TECHNOLOGY FELLOW AND THE COMMUNICATIONS FELLOW

### 1. The IT Fellow

- (a) The IT Fellow, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re-election.
- (b) She shall assist the IT Manager in the administration of IT in accordance with the general principles laid down from time to time by Governing Body.
- (c) She may receive, in addition to her stipend, an allowance which shall be determined from time to time by the Governing Body at a Stated or Special General Meeting and recorded in the financial appendix to these By-Laws.

### 2. The Communications Fellow

- (a) The Communications Fellow, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re-election.
- (b) She shall assist the Head of Communications in the administration of the College's communications in accordance with the general principles laid down by the General Purposes Committee and in line with the Communications Strategy approved by Governing Body from time to time.

Last amended 14.06.23

## BY-LAW XII. THE JdP FELLOW

1. The JdP Fellow, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re election.
2. She shall act as a link between Governing Body and the Jacqueline du Pré Building in accordance with the general principles laid down by the General Purposes Committee.

Added 16.10.19

## BY-LAW XIII. THE LIBRARY FELLOW

1. The Library Fellow, who must be a member of the Governing Body, shall normally be elected at the Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re election.
2. She shall assist the Librarian in the administration of the Library in accordance with the general principles laid down by the General Purposes Committee.
3. A role description setting out the main duties of the Library Fellow shall be approved by the Governing Body and reviewed from time to time. As a minimum it shall be reviewed on a three yearly basis before each election.
4. She may receive in addition to her stipend, an allowance which shall be determined from time to time by the Governing Body at a Stated or Special General Meeting and recorded in the financial appendix to these By Laws.

Last amended 16.10.19

## BY-LAW XIV. THE DEAN OF DEGREES

1. The Dean of Degrees, who must be a Fellow or Lecturer of the College, shall normally be elected at a Stated General Meeting in Trinity Term for a period of three years. She shall be eligible for re election.
2. She, or any deputy she may appoint, shall receive payment for each degree ceremony, such payment to be determined from time to time by the Governing Body at a Stated or Special General Meeting and recorded in the financial appendix to these By Laws.

Last amended 1.12.99

## BY-LAW XV. THE TUTORS

- 1 Appointments made for Michaelmas Term date from 1 October, but the Governing Body may make special arrangements for any Tutor to take up her duties before or after that date.
- 2 If a Tutor wishes to resign, she shall give six months' notice in writing, such notice to expire at the end of a University term or of the Long Vacation. In case of ill health or other emergency, shorter notice may be accepted by the Governing Body.
  - (a) A Tutor holding a University Lecturership or other University post paid on the Lecturership scale shall normally undertake up to 6 hours a week of tutorial teaching. If her hours of teaching average less than her contracted hours throughout the year she shall inform the General Purposes Committee.
  - (b) A Tutor holding a CUF Lecturership shall normally undertake 8 hours a week of tutorial teaching, unless the General Purposes Committee reduce her hours of teaching under (d) or (e) below. If her hours of teaching average less than eight a week throughout the year she shall inform the General Purposes Committee.
  - (c) A Tutor shall not do more than an average of eight hours of teaching a week for the first five years after her appointment without the leave of the Senior Tutor but if at the time of her appointment she should be of such seniority as to make this limitation unsuitable, the Governing Body may dispense her from it.
  - (d) The General Purposes Committee may temporarily or permanently reduce the hours of teaching required of a Tutor.
  - (e) Requests for part-time status will be considered favourably by the Governing Body where this is in the best interests of the College and in accordance with the policy guidelines relating to the same as agreed from time to time.
- 3 *Stipends*
  - (a) Tutors shall be paid on scales which shall be determined from time to time by the Governing Body at a Stated or Special General Meeting and recorded in the financial appendix to these By Laws. The scales shall be such that the joint College and University stipends of the holders of CUF Lecturerships and of the holders of University Lecturerships and comparably paid University posts shall, point for point, be identical.
  - (b) Special arrangements may be made by the Governing Body for
    - (i) a Tutor who holds a joint appointment with another College;
    - (ii) a Tutor who holds no University or other outside post.
  - (c) If a Tutor's teaching hours have been reduced (as provided in 2 (d) above) the Governing Body shall determine her stipend.
  - (d) If a Tutor chooses to teach above her maximum by taking extra external tuition, she should claim reimbursement from the College concerned.

- (e) If a Tutor's hours of teaching, internal and external, average throughout the year less than the required normal weekly minimum for more than one year in succession, the basis of payment shall be reviewed and her stipend may be reduced as specified in (c) above.

#### 4 *Superannuation*

- (a) For the purposes of these By Laws a "recognised pension scheme" shall be deemed to mean the Universities Superannuation Scheme Ltd or any other pension scheme that may be accepted by the Governing Body as appropriate to the academic staff of Universities or Colleges.
- (b) For the purposes of making contributions to recognised pension schemes, the salary of a Tutor shall be the total of her stipend as Tutor plus any living out allowance. If a Tutor chooses not to join the recognised pension scheme the College's contribution shall be limited to the statutory minimum embodied in the employer's contracted in rate of National Insurance contribution, i.e. the employer's element of the National Insurance Contracted Out Rebate. There shall be no salary compensation for the difference between the College's statutory minimum contribution to a personal pension plan and its contribution to the recognised pension scheme.

#### 5 *Sabbatical Leave*

- (a) A Tutor shall be entitled under Statute III, 5 to one term's leave of absence for every six terms of service with a maximum of three terms in every seven years, each period of seven years being reckoned from the date of her first appointment. Such terms may be taken separately or together. Except with the approval of the General Purposes Committee, a Tutor who has not availed herself of this right within one period of seven years shall not be entitled to take more than three terms' leave within the next period of seven years. If a Tutor has postponed her leave in the interests of the College or the University she shall be entitled to take the postponed leave in the next seven years, in addition to the normal leave due to her.

The Academic Registrar shall keep a record of the Sabbatical Leave taken by Tutors.

- (b) There shall be a category of leave, called Special Leave, which shall normally be unpaid.
- (c) Requests for leave shall be brought before the General Purposes Committee at least two complete terms before the beginning of the desired period of absence. In exceptional circumstances the Committee may permit leave to be taken at shorter notice.
- (d)
  - (i) Except as provided in (ii) below, a Tutor shall be entitled to her full stipend during any period of Sabbatical Leave when she is engaged on full time study approved by the General Purposes Committee.
  - (ii) A Tutor who accepts paid employment elsewhere during a period of leave shall declare the remuneration she so receives and the expenses she has thereby incurred. The General Purposes Committee shall require a Tutor on Sabbatical Leave to relinquish all or part of her College stipend for the period of her paid employment as long as she shall not, in consequence, suffer financial disadvantage through taking leave.
  - (iii) A resident Tutor on leave may remain in College if she wishes.
  - (iv) If a Tutor accepts paid employment elsewhere during a period of leave, she will normally be required to pay both the College's and her own superannuation contributions

on her normal salary, unless she chooses to suspend membership of the Universities Superannuation Scheme Ltd for the period.

- (e) Unless the Governing Body shall expressly provide otherwise, each term of leave shall be regarded for financial purposes as a period of three calendar months, including a Full Term.

6 *Non resident Tutors*

A Tutor who has been given leave by the General Purposes Committee to live out of College shall reside within thirty miles of College, unless the Committee exempts her from this requirement. She shall be entitled to have one room in College, and to receive a living out allowance that may be determined from time to time by the Remuneration Committee and recorded in the financial appendix to the By Laws.

Last amended 16.10.19

## BY-LAW XVI. ADMINISTRATIVE OFFICERS UNDER STATUTE IV,5(v) WHO ARE FELLOWS

- 1 Appointments shall be made by the Governing Body. The stipend of an Administrative Officer who is a Fellow shall be determined by the Governing Body, following approval by Remuneration Committee, at the time of appointment.
- 2 Superannuation (see By Law XV, (a) and (b)). If an Administrative Officer who is a Fellow chooses not to join the recognised pension scheme the College's contribution shall be limited to the statutory minimum embodied in the employer's contracted in rate of National Insurance contribution, i.e. the employer's element of the National Insurance Contracted Out Rebate. There shall be no salary compensation for the difference between the College's statutory minimum contribution to a personal pension plan and its contribution to the recognised pension scheme.
- 3 An Administrative Officer who is a Fellow shall vacate her office not later than the date specified in the Employer Justified Retirement Age policy, subject to the provision within that policy that she may apply to the Governing Body for an extension beyond this date.
- 4 The Governing Body may at its discretion supplement the pension of an Administrative Officer.

Last amended 16.10.19

## BY-LAW XVII. SICK PAY

- 1 Any Tutor or an Administrative Officer who is a Fellow prevented by illness from carrying out her work shall receive her full stipend for three calendar months. This will include the statutory sick pay element.
- 2 If her illness is prolonged for more than three months, the College has discretion to pay at the rate of half her salary for a further period of three months.
- 3 If her illness is prolonged for more than six months, the Governing Body may make such arrangements as the circumstances require.
- 4 Any Lecturer prevented by illness from carrying out her work shall receive her full stipend for twenty eight days. This will include the statutory sick pay element.

Last amended 16.10.19

## BY-LAW XVIII. MATERNITY, PATERNITY, ADOPTION and PARENTAL LEAVE

1. The Principal, Tutors, Administrative Officers who are Fellows, and Junior Research Fellows, shall be entitled to the following rights, as from the commencement of their employment with the College: the College has decided to adopt the same policy as the University on Maternity Leave and related matters. This can be found at the website <https://www.admin.ox.ac.uk/personnel/during/family/>

Last amended 16.10.19

## BY-LAW XIX. PROVISIONS CONCERNING FELLOWS

### 1 Official and Beale Fellows

Official and Beale Fellows shall be entitled to use their rooms in College at any time and to lunch and dine daily in College except during periods when the College is closed; such periods shall be determined by the General Purposes Committee. They shall each receive allowances which shall be determined from time to time by the Remuneration Committee and recorded in the financial appendix to these By Laws.

### 2 Professorial Fellows

- (a) Professorial Fellows other than those allocated to the College by the University shall be elected by the Governing Body as follows:

the name of any person recommended for election shall be proposed and seconded in writing by two members of the Governing Body in time for circulation with the Agenda of an Ordinary Meeting.

- (b) Professorial Fellows shall be entitled to lunch and dine daily in College when the College is open.

### 3 Research Fellows

Research Fellows shall be elected by the Governing Body in such manner as it shall think fit in each case. They shall be entitled to lunch and dine daily in College when the College is open.

### 4 Supernumerary Fellows

Supernumerary Fellows shall be elected in the manner laid down for Professorial Fellows in 2 (a) above. Their entitlements are as follows:

- (i) if members of the Governing Body, as for Official Fellows;
- (ii) if not members of the Governing Body, dining rights are decided at the time of election;
- (iii) if retired members of the Governing Body, lunching and dining as for Honorary and Emeritus Fellows. The Governing Body may decide at an Ordinary Meeting to allow them the alternative residence entitlement provided for Honorary and Emeritus Fellows in paragraph 5 (b).

### 5 Emeritus, Honorary and Foundation Fellows

Emeritus, Honorary and Foundation Fellows shall be elected in the manner laid down for Professorial Fellows in 2 (a) above. They shall be entitled either

- (a) without payment, to take dinner (including Guest Nights) and one luncheon a week when the College is open; on payment, they shall be entitled to take further luncheons and to bring up to two guests on each occasion to lunches or dinners;

or

(b) to take a week's residence each year, it being permissible to take instead two weeks in alternate years.

## 6 Foundation Fellowships

Foundation Fellowships are a class of Fellowship created pursuant to Statute III, paragraph 1. (viii) to which Governing Body may elect individuals in recognition of their exceptional service to the College.

## 7 Fellows who are members of the Governing Body

- (a) Loans to Fellows who are members of the Governing Body may be made for the purpose of land purchase or house purchase or improvement.
- (b) Loans of five hundred pounds or more shall be secured by a mortgage (which may be a second mortgage) on the property concerned, and by a term life assurance policy for the amount of the loan.
- (c) The mortgage deed and the deed of assignment of the life assurance policy shall be drawn up by the College solicitors, and the legal charges paid by the borrower.
- (d) If the borrower shall cease to be a member of the Governing Body the terms of the loan shall remain in force for six months after the termination of her membership. The loan shall then be repayable in full. If there are special circumstances the Governing Body may permit repayment to be deferred but may increase the rate of interest payable on any sums outstanding.
- (e) The maximum amount of any loan or loans made to a member of the Governing Body shall be as laid down by the Governing Body and recorded in the financial appendix to these By Laws.
- (f) The rate of interest payable, the method of payment of interest and repayment of principal, the maximum duration of loans, the type and the term of the assurance policy, shall be as laid down by the Governing Body and recorded in the financial appendix to these By Laws.
- (g) Special provisions may be made by the Governing Body for loans not exceeding five hundred pounds and these provisions shall be recorded in the financial appendix to these By Laws.
- (h) Loans may be made in accordance with the foregoing stipulations at the discretion of the Bursar and the Principal.
- (i) The Bursar shall report to the General Purposes Committee in each Michaelmas Term the total number and amount of loans outstanding at the previous 31st July and the amount of interest paid in the year.

## 8 Order of Precedence

After the Principal and Vice Principal, Fellows shall rank in order of the dates of their formal elections at a Stated or Special General meeting of the Governing Body.

## BY-LAW XX. JUNIOR MEMBERS

### PART A: Definitions and Disciplinary Code

#### *Definitions*

1 For the purpose of all Parts of this By-Law, the following words shall have the following meaning

- 'Appeal Committee' means a Non-Academic Disciplinary Appeal Committee convened in accordance with Part B,7.
- 'breach of discipline' means a breach of the rules set out the College Code of Discipline and contained in the provisions specified in Part A, 2
- 'College' means St Hilda's College;
- 'Dean' means the Dean of St Hilda's College
- 'Disciplinary Panel' means a panel convened in accordance with Part B, 6.
- 'expulsion' shall mean the permanent loss of membership of the College and of the University.
- 'Fitness to Study Panel': the University has established a Fitness to Study panel to determine matters concerning a student's fitness to study within a common framework across departments/faculties and colleges.
- 'harassment' shall mean unwanted and unwarranted conduct which has the purpose or effect of: (i) violating another's dignity, or (ii) causing creating an intimidating, hostile, degrading, humiliating or offensive environment for another person. The recipient does not need to have explicitly stated that the behaviour was unwanted. a course of
- 'Junior Member' shall include any current or suspended student whether undergraduate or graduate, any visiting student, associate member of the Junior Common Room or Middle Common Room and whether in residence or out of residence person admitted by the College to read for a First or Higher Degree or Diploma who is, or is to be, matriculated, any Visiting Student and any visitor accepted by the College as a member of the Junior or Middle Common Room.
- 'Member of the College' for the purpose of the Procedure includes the current Principal, and any other College office-holder, current Fellow, current student or employee of the College
- 'Principal' means the Principal of St Hilda's College
- 'Procedure' means the Non-Academic Disciplinary Procedure set out in Part B incorporating the provisions within Part C;
- 'reporter' means a person submits a report under Part B, paragraph 4.1
- 'rustication' shall mean the withdrawal of the right of access to all of the premises or facilities of the College and may be for a fixed period or pending the fulfilment of specified conditions or indefinite.

- 'subject' means a Junior Member who is alleged to have breached the College Code of Discipline
- 'suspension' shall mean the withdrawal of the right of access to all of the premises or facilities of the College either as an interim measure pending further investigation or where action is required in a non-disciplinary situation and may be for a fixed period or pending the fulfilment of specified conditions or indefinite.

*College Code of Discipline*

2 No Junior Member shall intentionally or recklessly

- (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College or properties managed directly or indirectly by the College including the Jacqueline du Pré Music Building;
- (b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by Members or employees of the College or visitors to the College;
- (c) obstruct or attempt to obstruct any Officer, employee or agent of the College in the performance of his or her duties;
- (d) damage or deface any property of the College or of any Member, Officer or employee of the College, or knowingly misappropriate such property;
- (e) occupy, use, or attempt to occupy or use any property or facilities of the College except as may be authorised by the University or College authorities concerned;
- (f) forge or falsify any University or College certificate or document or knowingly make false statements concerning standing or results obtained in examinations;
- (g) engage in any activity likely to cause injury or impair safety;
- (h) engage in violent, indecent, disorderly, threatening or offensive behaviour or language;
- (i) engage in the harassment of any Member, visitor, employee or agent of the College;
- (j) engage in any fraudulent or dishonest behaviour in relation to the College or the holding of any College Office;
- (k) refuse to disclose her name and other relevant details to an Officer or an employee or agent of the College in circumstances where it is reasonable to require such information to be given;
- (l) use, offer, sell or provide to any person, drugs, the possession or use of which is illegal;
- (m) engage in conduct in breach of the Statutes and Regulations of the University published from time to time;
- (n) use unfair means in any College examination or test;
- (o) engage in conduct in breach of regulations for the use of the College Library published from time to time;

- (p) engage in conduct in breach of any other College regulation or order published from time to time;
  - (q) engage in any improper conduct which is substantially detrimental to the interests of the College.
- 3 Every undergraduate shall abide by the requirements stated in the Official Student Handbook.
- 4 Every member of the Middle Common Room shall abide by the requirements stated in the Official Student Handbook.

## **PART B: Non-Academic Misconduct Disciplinary Procedure**

### *1. Introduction*

- 1.1. This Disciplinary Procedure deals with conduct by Junior Members which breaches their non-academic obligations as a Member of the College. These obligations, which are summarised or identified in Part A. 2, are referred to as 'the College Code of Discipline'. In the Procedure a 'breach of discipline' refers to a breach of one or more of the provisions of the College Code of Discipline.
- 1.2. The purpose of the Procedure is to address breaches of discipline by Junior Members, and not to resolve disputes between individuals. Junior Members may only be disciplined where their conduct occurs in a College Context, as defined in Part C. Further definitions are contained in Part A, 1.
- 1.3. In the Procedure the person making a report is referred to as the 'reporter' and the person who is alleged to have breached the College Code of Discipline is referred to as the 'subject'.
- 1.4. For informal advice about procedural aspects of the disciplinary process, please contact the Dean.
- 1.5. Where disciplinary proceedings are contemplated the Dean will remind reporters and subjects of the sources of support available to them. Advice and support for Junior Members are available from:
- The College student welfare team (<https://www.st-hildas.ox.ac.uk/students/health-welfare>)
  - The University Sexual Harassment and Violence Support Service (<https://www.ox.ac.uk/students/welfare/supportservice>)
  - The University Student Welfare and Support Services (<https://www.ox.ac.uk/students/welfare>)
  - Oxford SU Advice Service (<https://www.oxfordsu.org/support/studentadvice>)
- 1.6. Separately, the Dean may impose any safeguarding measures which are reasonably necessary to ensure the peace of the College and the safety of its members. Such measures may include requiring a Junior Member to have no contact with another Member of the College or excluding any person from College premises. These safeguarding measures are neutral in effect and do not imply that any Junior Member on whom measures are imposed has been found to be in breach of any of their obligations.

## 2. *General*

- 2.1. Reports will usually be dealt with confidentially by all parties involved and details will not normally be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a safeguarding or precautionary measure (under paragraph 1.6 above or 4.4 below) or to communicate the outcome of disciplinary proceedings, to protect members of the College and/or University community and/or the public, and/or to comply with legal or regulatory obligations.
- 2.2. Parties should strive to act promptly, and to meet the time limits set out in the Procedure. Time limits may be extended by the relevant decision-maker where it is necessary in the interests of fairness. It will often be necessary to extend time-limits for complex cases. Where time limits are extended, the subject (and reporter where appropriate) will be kept updated about the progress of the case.
- 2.3. If the Dean has concerns that a Junior Member involved in the Procedure is suffering health, welfare or academic study issues as defined in the College's Fitness to Study Procedure ('Exceptional Circumstances' section, Student Handbook: <https://www.st-hildas.ox.ac.uk/students/student-handbook>) or other difficulties that may be relevant to whether or how the Procedure should be used, the Junior Member should be directed to the welfare team and to the University Student Welfare and Support Services. The Dean should at the same time inform the person responsible for fitness to study procedures in College.
- 2.4. Reasonable adjustments may be made to the Procedure in individual cases in order to enable the subject and any other person affected by application of the Procedure to participate fairly.
- 2.5. Anonymous reports will only be considered under the Procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action following an anonymous report, because of the need to allow the subject to respond to the report.
- 2.6. Subjects and reporters may be accompanied to meetings, interviews or hearings by a supporter, who should normally be a member or employee of the College or a member of the Oxford Student Union, so long as the name and position of the supporter is provided in advance and any further procedural requirements set out in the procedure below are met. Requests to be accompanied by a supporter should be made to the Dean, Investigator and/or Disciplinary Panel Chair as appropriate at least 48 hours in advance of the date of any meeting or hearing. Legal representation will not normally be permitted, though reasoned requests for such representation may be made, and will be considered.
- 2.7. Meetings and hearings may take place online where this is necessary to avoid undue delay or to protect the welfare of any person.
- 2.8. Where there is more than one reporter and/or more than one subject it may be appropriate for all the subjects to hear or be provided with the other subjects' evidence.
- 2.9. The standard of proof used when making determinations under the Procedure is the balance of probabilities. This means that the Dean and/or the Disciplinary Panel will conclude that there has been a breach of the College Code of Discipline if they are satisfied that it is more

likely than not that the conduct which is alleged to be a breach of the Code of Discipline occurred.

- 2.10. Non-compliance with a disciplinary penalty imposed under the Procedure may result in further disciplinary penalties, including additional fines, suspension or expulsion.
- 2.11. Any Member of College involved in administering the Procedure shall comply with the College's conflict of interest policy (available from the College's Governing Body Secretary) and should not act if there is any reasonable perception of bias. If the Dean is unable (for any reason) to act the Principal will appoint an appropriate substitute. Any decision to be made or action to be performed by the Principal may be made or performed by the Vice-Principal or Senior Tutor in the event that the Principal is absent, has a conflict of interest, or is otherwise unable to undertake the action within a reasonable time.
- 2.12. Records will be kept at all stages of the process and will be processed in accordance with the College's records management and privacy policies (<https://www.st-hildas.ox.ac.uk/content/privacy-notices>).
- 2.13. The Procedure makes provision for the subject to appeal from adverse decisions taken under sections 5 and 6. The reporter is not a party to disciplinary proceedings and does not have a right of appeal from the outcome of a disciplinary decision. If the reporter is a student and is dissatisfied with the action taken under the Procedure they may make a complaint under the College Student Complaints procedure (By-Law XX, Part E32 ff) <https://www.st-hildas.ox.ac.uk/sites/www.st-hildas.ox.ac.uk/files/Student%20Complaints%20Procedure.pdf>. Any complaint will be addressed by individuals who have not previously been involved in the report.

### *3. Initial Considerations*

- 3.1. Reporters who are students may consider using the University Student Resolution Service (<https://www.ox.ac.uk/students/welfare/harassment/student-resolution-service>) which is a free mediation service for students who find themselves in conflict with another student.
- 3.2. The Dean may liaise between reporting Junior Members and subjects where there has been a relationship breakdown to put in place a no contact agreement on the basis that there has been no admission of fault. Such agreements will be neutral in effect and will impose the minimum impact reasonably possible on all students involved.
- 3.3. Part C sets out the College's approach in cases where the alleged conduct falls within the scope of more than one procedure or may constitute a criminal offence.

### *4. Reports and Precautionary Measures*

- 4.1. Reports should normally be made in writing, by email to the Dean. If a reporter does not wish to make a written report in the first instance they should contact the Welfare Officer who will make a written account of the report which they will invite the reporter to confirm. That report will then be submitted to the Dean.
- 4.2. If the report is not successfully resolved informally, or if informal resolution is not appropriate, the Dean will decide whether to investigate an alleged breach of discipline.
- 4.3. If the Dean considers that a report raises a case of a breach of discipline requiring an answer, they may (i) investigate the report under the Procedure for Minor Breaches of Discipline set

out at section 5 below, or (ii) refer the case to the Principal in accordance with the Procedure for Major Breaches of Discipline set out at section 6 below.

- 4.4. The Dean will not normally investigate, or refer to the Principal, an alleged breach of discipline which is reported to have occurred more than 6 months previously, but may do so in exceptional circumstances. In determining whether exceptional circumstances warrant investigation and/or referral the primary consideration will be whether there is a risk of harm to any current member(s) of the College and will take account of safeguarding considerations where relevant. Factors which the Dean may consider include (but are not limited to): the gravity of the alleged breach of discipline; whether the alleged breach of discipline was an isolated event, was repeated or was part of an alleged course of conduct; the length of any delay in reporting; the reasons for any delay in reporting and any barriers to reporting. Exceptional circumstances are more likely to be found to exist in cases of sexual misconduct and/or violence. The Dean will notify the reporter of any decision not to investigate or refer a report under this provision.
- 4.5. The Dean may at any time impose temporary precautionary measures on the reporter and/or the subject for the remainder of the Procedure. Precautionary measures do not indicate any finding of misconduct and are not penal in nature.
- 4.6. Possible precautionary measures may include (without limitation): a no contact arrangement; a ban from, or time constraints for, accessing particular College buildings or services; recommending a ban from, or time constraints for, accessing particular University buildings or services or services of another college (subject to endorsement by the University or relevant college as appropriate); moving either the reporter or subject to alternative College or University accommodation; and/or, where no other option is appropriate, a temporary suspension of studies.
- 4.7. Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned, or Members of the College from an identified risk, or to protect an investigation under the Procedure, and should take into account safeguarding considerations where relevant.
- 4.8. Precautionary measures are particularly likely to be appropriate in cases involving a risk to any individual's mental or physical health, issues of a highly sensitive or confidential nature and/or where there is a threat of significant disruption to academic study or other College activities.
- 4.9. The Dean will promptly provide the student and, where appropriate, the reporter, with written reasons for any precautionary measures imposed. Any student upon whom precautionary measures are imposed may ask the Dean to review them, and, if the request is refused, may apply to the Principal at any time for the precautionary measures to be reviewed.
- 4.10. The Dean may refer a matter to the police or seek guidance from the police or other public safety agencies where the report concerns criminal conduct and/or where there is a significant imminent risk of harm to students or staff. In deciding whether to do so, the Dean should take into account the wishes of the reporter.

## 5. *Procedure for Minor Breaches of Discipline*

- 5.1. The Procedure for Minor Breaches of Discipline applies to cases in which the Dean considers that, if established, the alleged breach of discipline would appropriately be addressed by the penalties set out in paragraphs (1) to (8) of Part C, under the heading 'Penalties for Minor Breaches of Discipline'.
- 5.2. Where the Dean proceeds to investigate under this section the aim will be to complete an investigation and issue a decision in relation to the alleged breach of discipline as soon as reasonably practicable and in any event within 2 weeks of their decision to investigate.

### **Determination by the Dean**

- 5.3. The Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached and informing them that the report is being considered under this Part of the Procedure. The Dean will invite the subject to provide a response to the allegation, which may be in writing or at a meeting with the Dean. In all but exceptional circumstances the Dean will provide the subject with at least 24 hours' notice of the date and time of any meeting.
- 5.4. If the subject admits the breach of discipline the Dean will proceed to consider what, if any penalty should be imposed.
- 5.5. If the subject does not admit the alleged breach of discipline the Dean may take any step reasonably and proportionately required to investigate and to assemble relevant evidence. This may include interviewing the reporter and interviewing the subject, as well as interviewing any witnesses, requesting written response to questions and requesting relevant documents.
- 5.6. A member of the College administrative staff will attend any meeting under this Part of the Procedure and take notes of the meeting.
- 5.7. Before reaching any determination under this Part the Dean will disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Dean judges that in all the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 5.8. The subject will be provided with the opportunity to respond to that evidence and to provide a justification or explanation for the conduct in question. The subject may elect to respond in writing or at a meeting with the Dean.
- 5.9. Where there are substantial questions of fact to be decided the Dean may refer the report to the Principal to be considered by a Disciplinary Panel under section 6 below. It will not normally be necessary in such cases for the Principal or the Disciplinary Panel to appoint an investigator. All materials gathered by the Dean in the course of their investigation will be provided to the Disciplinary Panel.
- 5.10. After having satisfied themselves that reasonable and proportionate investigatory steps have been taken the Dean will consider and assess all relevant evidence and any response provided by the subject and will determine whether they are satisfied on the balance of probabilities that a breach of discipline occurred.

- 5.11. Where the Dean concludes that a breach of discipline has been established, they will inform the subject in writing what, if any, penalty or penalties they are considering imposing. The Dean may impose any penalty, or a combination of the penalties, set out in Part C paragraphs (1)-(8) or may make a conditional determination under Part C. The subject will have the opportunity to make representations bearing on the penalty, including any mitigation, in writing or at a meeting with the Dean.
- 5.12. The Dean will inform the subject and the reporter of their decision in writing. The Dean will inform the subject, and where appropriate, the reporter, of the reasons for any conclusion as to breach of discipline and any penalty or conditional determination imposed. The Dean will remind the subject of their right of appeal and of the matters set out in paragraph 5.13 to 5.17 below.

### **Appeal to the Principal**

- 5.13. The subject may appeal to the Principal against a decision made by the Dean under paragraph 5.12 above.
- 5.14. The appeal is a review of the Dean's decision and is limited to the grounds set out in paragraph 5.15 below.
- 5.15. The grounds upon which the subject may appeal are that:
- (a) There was bias, or a reasonable perception of bias, on the part of the Dean;
  - (b) The Dean acted unfairly or failed to follow the Procedure;
  - (c) The subject has new material that it was not reasonably practicable for them to provide earlier in the process, which would be likely materially to have affected the outcome;
  - (d) There was an error of interpretation of any of the provisions referred to in Part C or of the Procedure;
  - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made;
  - (f) The penalty imposed was disproportionate.
- 5.16. Any appeal must be made by sending a notice of appeal to [principal@st-hildas.ox.ac.uk](mailto:principal@st-hildas.ox.ac.uk) within 7 days of notification of the Dean's decision. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Dean's decision under paragraph 5.12 above and any other documentary evidence which is relevant to their grounds of appeal.
- 5.17. The subject should state in their notice of appeal whether they are requesting an oral appeal meeting with the Principal.
- 5.18. The Principal may invite the subject to an appeal meeting, and will normally do so when the subject has requested it. A member of the administrative staff will attend and take notes at any such appeal meeting.

- 5.19. The Principal may: confirm the Dean's determination; confirm the Dean's determination as to breach of discipline but vary the penalty imposed in such a way that the variation is regarded by the subject as a reduction; require the Dean to reconsider their determination as to breach of discipline; reverse the determination of the Dean as to breach of discipline.
- 5.20. The Principal will determine the appeal as soon as reasonably practicable and will normally inform the subject of their decision, and the reasons for it, in writing within 7 days of the determination. The reporter will be informed of the decision.
- 5.21. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review from CCAT or the Office of the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.

#### *6. Formal Procedure for Major Breaches of Discipline*

- 6.1. This section addresses the procedure which will be followed where the Dean refers a case to the Principal for the purposes of convening a Disciplinary Panel.
- 6.2. It is normally expected that, where the subject co-operates fully in the process, it will be completed within 28 days of referral of the case to the Principal, but in complex cases the period may be longer.

#### **Notice of Referral**

- 6.3. The Dean may make a referral under this section where they consider that if the alleged breach of discipline is established, the penalties set out in paragraphs (1) to (8) of Part C, under the heading 'Penalties for Minor Breaches of Discipline' may not be sufficient to address it.
- 6.4. A referral may be made at any stage after receipt of a report, including at any stage of an investigation under section 5 above, prior to a determination being made.
- 6.5. On referring the report to the Principal, the Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached, stating that the matter has been referred to the Principal under this part and that a Disciplinary Panel will be convened to consider the report.
- 6.6. In any case in which the Dean has determined that there are exceptional circumstances which warrant referral under paragraph 4.4 above the Dean shall provide reasons for that conclusion. The subject may appeal to the Principal against that determination by writing to the Principal within 3 working days, setting out the reasons for which they contend that the Dean's determination that there were exceptional circumstances was wrong. The Principal will consider the appeal on the papers and will allow the appeal if they consider that the Dean's conclusion was one which no reasonable decision-maker could have reached.

#### **Appointment of Investigator and Disciplinary Panel**

- 6.7. The Principal will normally appoint an Investigator to investigate the report. The appointment will normally be made within three working days of the referral. The Investigator may be a senior member of the College or an external Investigator, at the Principal's discretion.

- 6.8. The Principal will write to the subject and the reporter informing them of the identity of the Investigator and that if they have any objection to the appointment, they must set out the reasons for their objections in an email to [principal@st-hildas.ox.ac.uk](mailto:principal@st-hildas.ox.ac.uk) within 2 working days. If the Principal considers that the grounds for objecting are reasonable, they will aim to appoint an alternative Investigator within 3 working days of the objection being made. The subject and the reporter will be notified of the identity of any replacement Investigator by email.
- 6.9. A Disciplinary Panel will consist of three people appointed by the Principal from amongst the members of the Disciplinary Committee, which shall include the Vice-Principal unless this is impracticable, for the purposes of considering the report. Panel members must either be members of the College Governing Body or be people who have been approved by the Governing Body as being suitable Disciplinary Panel members. The Principal will appoint one of the members as Chair of the Disciplinary Panel. The Principal will appoint one of the members as Chair of the Disciplinary Panel. This will be presumed to be the Vice-Principal where she is appointed as a member of the Disciplinary Panel.
- 6.10. A Disciplinary Panel may be appointed to consider a single case or a group of cases. Where the Principal has referred more than one case involving the same subject the Disciplinary Panel may decide to consolidate the cases.
- 6.11. The Principal will write to the subject and the reporter informing them of the identities of the proposed Disciplinary Panel members and stating that if they have any objection to the inclusion appointment of any of the members, they must set out the reasons for their objections in an email to [principal@st-hildas.ox.ac.uk](mailto:principal@st-hildas.ox.ac.uk) within 2 working days. If the Principal considers that the grounds for objecting are valid, they will aim to appoint an alternative panel member within 3 working days of the objection being made.

### **Investigation**

- 6.12. The Investigator will gather such evidence and make such inquiries as appear to them to be proportionate and necessary to determine the issues in the case.
- 6.13. Any evidence obtained by the Dean for the purposes of their investigation of the report shall be provided to the Investigator.
- 6.14. The Investigator shall inform the subject of the case against them, and disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Investigator considers that in the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 6.15. The Investigator will give the subject the opportunity to respond to the case against them, including an opportunity to put forward oral and/or written or documentary evidence, and to make representations. Representations may include, but are not limited to, representations regarding any response to the allegation, justification, or excuse for the breach of discipline under investigation, and mitigating factors that may bear on disposal of the case. Such representations should normally be heard at a meeting in person between the subject and the Investigator, at which notes should be taken of the subject's representations. However, where the subject is out of residence at the time, or it is not reasonably practicable for representations to be made in person within a reasonable time,

the opportunity to make representations online or in writing may be substituted at the discretion of the Investigator.

- 6.16. The Investigator will usually provide the reporter with the subject's evidence, or if appropriate a summary of the evidence, in response to the report. The Investigator will invite the reporter to comment on the evidence and to provide any further relevant evidence, whether oral or documentary.
- 6.17. A member of the administrative staff of the College will attend any meeting between the subject and other witnesses (including the reporter) and the Investigator. The member of staff will take notes of the meeting.
- 6.18. On completion of their investigation, the Investigator will make a written report to the Disciplinary Panel including any written or documentary evidence, notes of meetings, and a conclusion as to whether on the evidence a finding that the subject committed the breach(es) of discipline could be justified.

### **Disciplinary Meeting**

- 6.19. The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the subject and the Investigator.
- 6.20. It is expected that all relevant witness evidence will have been obtained by the Investigator and will be contained in the Investigation report. In many cases it will not be necessary for the Disciplinary Panel to hear directly from witnesses in order to reach a decision. On receipt of the Investigation Report the Panel Chair will consider whether it would be appropriate to invite any witness, including the reporter, to attend the meeting.
- 6.21. The Chair will write to the subject informing them of the proposed date of the Disciplinary Meeting which will normally be no less than 14 days after the date of the email but may be brought forward to an earlier date if convenient to and agreed in writing by all parties. The Chair will: set out the allegation against the subject, referring to the relevant provision(s) of the College Code of Discipline; provide a copy of the Investigator's Report and any other evidence which will be considered by the Disciplinary Panel; set out the names of the members of the Disciplinary Panel and anyone else who will be present for some or all of the meeting, identifying the capacity in which they will be attending; inform the subject of the right to be accompanied in accordance with paragraph 2.6 above; and inform the subject that they can expect the members of the Disciplinary Panel to ask them questions. The Chair will ask the subject to confirm their attendance at the meeting and whether they wish to call any witnesses. In the event that the subject is unable to attend the Disciplinary Meeting on the proposed date or chooses not attend they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date for the Disciplinary Meeting or may confirm that the Disciplinary Meeting will proceed on the proposed date and may proceed in the absence of the subject.
- 6.22. If the subject wishes to call witnesses to the Disciplinary Meeting, they must write to the Chair within 7 days identifying the witnesses and explaining the reasons why they consider attendance to be necessary. The Chair will consider whether it is appropriate for those witnesses to attend the Disciplinary Meeting to give evidence.
- 6.23. If the Chair decides that it would be appropriate to invite witnesses to the Disciplinary Meeting, they will consider whether any particular arrangements are required to safeguard

the interests of the witnesses. Such arrangements may be put in place at the discretion of the Chair but may include: separate waiting areas for the reporter and the subject; the reporter bringing a supporter to sit with them while addressing the Panel and answering questions; the reporter addressing the Panel from behind a screen; the reporter responding to questions via online-link from a different location. Such measures are likely to be required in sexual misconduct cases.

- 6.24. The Chair will determine the procedure for the hearing, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the Investigator and any witnesses.
- 6.25. The subject will not be permitted to ask questions directly, but will be provided with the opportunity to put questions to witnesses through the Chair. Where the reporter attends the hearing, the Chair will ensure that the reporter and the subject have an appropriate opportunity to comment on any evidence the other has provided.
- 6.26. A member of the administrative staff of the College will attend and take notes of the meeting, and/or the meeting may be recorded.
- 6.27. After the Disciplinary Meeting the Disciplinary Panel will deliberate in the absence of any other person, apart from the note-taker. Before determining whether a breach of discipline has been established it will satisfy itself that reasonable and proportionate efforts have been made by the Investigator to obtain the relevant evidence which is necessary to determine the issues in the case from the subject and from others, whether orally or in writing; assess the relevance, reliability and credibility of the evidence; satisfy itself that the subject has had a fair opportunity to answer the case against them; satisfy itself from the evidence obtained that, on the balance of probabilities, it has been shown that the breach of discipline was committed by the subject; and identify the form of disposal which it is minded to adopt, subject to further representations by the subject.
- 6.28. Decisions of the Disciplinary Panel shall be made by a simple majority vote.
- 6.29. If the Disciplinary Panel determines that a breach of discipline has been established, it will notify the subject promptly, and in any event within 7 days of that determination, the reasons for it, and the disposal it is minded to adopt. It will invite the subject to make representations to the Disciplinary Panel within 3 working days of notification of the determination, regarding the appropriate disposal. Such representations may be made orally or in writing, at the choice of the subject. The Disciplinary Panel may also request the provision of a written statement of the impact of the subject's conduct from the reporter or any other person.
- 6.30. The Disciplinary Panel may impose any penalty or combination of penalties set out in Part C. It may also make a conditional determination. It will consider the range of available penalties and impose a penalty, or conditional determination, that is appropriate and proportionate in all the circumstances.
- 6.31. The Panel shall report its determination and disposal to the Principal as soon as possible, supported by written reasons. Notice of the Panel's determination and disposal will be given in writing to the subject by the Principal within 3 working days of receipt of the Panel's report, supported by a copy of the Panel's report. The decision letter will inform the subject

of their right of appeal and of the matters set out in paragraphs 7.2 to 7.5 below. The reporter will be informed of the outcome of the proceedings.

#### *7. Appeals following Disciplinary Panel proceedings*

- 7.1. The subject may appeal against any determination of a Disciplinary Panel that involves the imposition of a penalty and against any penalty imposed.
- 7.2. The appeal is a review of the Disciplinary Panel decision and is limited to the grounds set out in paragraph 7.4 below.
- 7.3. Any disciplinary measures appealed against do not come into effect pending determination of the appeal. It is, however, still possible for a student to meet any conditions specified in the disciplinary measure or conditional determination and hence to terminate the measure, while the appeal is pending. Precautionary measures may continue to apply pending the determination of an appeal.

#### **Notice of Appeal**

- 7.4. The grounds upon which a subject may appeal are that:
  - (a) There was bias, or a reasonable perception of bias, during the procedure; termination of an appeal.
  - (b) There was unfairness or a failure to follow the Procedure;
  - (c) The subject has new material that it was not reasonably practicable for them to provide to provide earlier in the process, that would have been likely to make a material difference to the outcome;
  - (d) There was an error of interpretation of any of the provisions referred to in Part C or of the Procedure;
  - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or
  - (f) The penalty imposed was disproportionate.
- 7.5. Any appeal must be made by sending a notice of appeal to [principal@st-hildas.ox.ac.uk](mailto:principal@st-hildas.ox.ac.uk) within 7 days of notification of the Disciplinary Panel's determination. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Disciplinary Panel's reasoned determination and any other documentary evidence which is relevant to their grounds of appeal.

#### **The Appeal Committee**

- 7.6. An appeal under this Part is to be heard by a Non-Academic Disciplinary Appeal Committee.
- 7.7. An Appeal Committee will consist of three people appointed by the Principal for the purposes of considering the appeal constituted in accordance with paragraph 7.8 below. The Principal will appoint one of the members as Chair of the Appeal Committee.
- 7.8. The Appeal Committee may comprise any three of the following:

- i. Fellows of the College who hold academic posts (but who need not be members of the Governing Body);
  - ii. Members of another College or other Colleges of the University of Oxford who (apart from the fact that they are members of another College) fall under the descriptions in (i) above;
  - iii. Any other person who has been approved for this purpose by Governing Body.
- 7.9. The Appeal Committee will be assisted by a member of the administrative staff who will act as Secretary to the Appeal Committee ('the Secretary').
- 7.10. The Principal will write to the subject and the reporter informing them of the identities of proposed Appeal Committee members and stating that if they have any objection to the appointment of any of the members they must set out the reasons for their objections in an email to [principal@st-hildas.ox.ac.uk](mailto:principal@st-hildas.ox.ac.uk) within 2 working days. If the Principal considers that the grounds for objecting are reasonable they will aim to appoint an alternative panel member within 3 working days of the objection being made.

### **Consideration of the Appeal**

- 7.11. The Principal will nominate a person ('the College Representative') to make a case before the Appeal Committee in support of the implementation of the disciplinary measure. Within 3 working days of their appointment, the College Representative will provide to the subject and the Secretary a written response to the grounds of appeal. The response must state whether the College Representative is requesting an oral hearing. Any request must be supported by reasons. The reporter will be notified that an appeal has been commenced.
- 7.12. Within 2 working days of the College response the subject must confirm in writing whether they are requesting an oral hearing. Any request must be supported by reasons.
- 7.13. The Appeal Committee Chair will determine whether an oral hearing is appropriate and, if it is, the Secretary will fix a date for a hearing. The hearing will normally take place no later than 14 days after the appointment of the Appeal Committee. The date should be fixed in consultation with the subject, the College Representative, and the members of the Appeal Committee.
- 7.14. At least 7 days before the hearing the Secretary will:
- a) write to the Appeal Committee members, the subject, and the College Representative to confirm the date, time, and location of the hearing;
  - b) provide the Appeal Committee members, the subject, and the College Representative with a bundle containing all documents relevant to the appeal.
- 7.15. If the subject or the College Representative wishes the Appeal Committee to take account of any additional material or written submissions, copies must be provided to the Secretary at least 5 days before the hearing. The Secretary will ensure that it is circulated to the Appeal Committee and the other party as soon as possible. Any documentation submitted after this time will not be considered by the Appeal Committee unless the Chair decides that exceptional circumstances warrant its inclusion.
- 7.16. The Appeal Committee Chair will determine the procedure for the hearing of the appeal, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the

case, informal and flexible. If (exceptionally) any witnesses are heard, questions will be asked of them by the members of the Appeal Committee.

- 7.17. The Appeal Committee members will deliberate on their decision following any hearing. Where the appeal is considered without a hearing the Appeal Committee members will meet to deliberate and will be provided by the Secretary with the documents set out in paragraph 7.14 above. The Secretary will provide the subject and the College Representative with at least 7 days notice of the date on which the Appeal Committee will meet and any additional material must be submitted in accordance with paragraph 7.15 above.
- 7.18. The appeal will be determined by a simple majority vote.
- 7.19. The decision of the Appeal Committee shall be provided in writing to the Principal, the subject, and the College Representative within 7 days of the conclusion of any hearing. The Appeal Committee will produce a written report setting out its conclusions and the reasons for them. In case of a majority decision, the decision and the reasons will be those of the majority. The reporter will be notified of the outcome.
- 7.20. The Appeal Committee may uphold the implementation of the disciplinary penalty, vary the conditions of its implementation, require those conditions to be satisfied afresh, set aside the penalty and remit the matter to the Disciplinary Panel, or substitute any alternative disposal which was open to the Disciplinary Panel. An Appeal Committee may impose a more severe disciplinary measure than that which was imposed by the Disciplinary Panel.
- 7.21. The decision of the Appeal Committee is final and not open to further appeal within the College.
- 7.22. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by CCAT or the Office of the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.

#### *8. Appeal in relation to breach of conditions*

- 8.1. If conditions are attached to any disposal under Part C and the Dean considers that the subject has failed to meet those conditions, notice of that failure and of the consequences as determined by the terms of the disposal will be given in writing to the subject by the Dean within 3 working days of the failure having come to the attention of the Dean. In the case of a dispute about whether the conditions specified in a disciplinary penalty or conditional determination have been met by the subject, the appeal procedure under this section applies.
- 8.2. The subject may appeal against the coming into effect of the consequences of any failure to meet a condition specified in a penalty or conditional determination, on one or both of the following grounds:
  - a) that the Dean was wrong to conclude that the subject failed to meet the condition;  
or
  - b) that the subject's failure to meet the condition was excusable.

- 8.3. The subject exercises the right of appeal under this provision by giving notice of appeal in writing to the Principal within 7 days of receipt by the subject of notice under paragraph 8.1 above of their failure to meet the condition.
- 8.4. The appeal, which will be a rehearing, will be referred by the Principal to a Disciplinary Panel constituted in accordance with section 6 above and the procedure under section 6 will be followed.

## **PART C: Non-Academic Misconduct Discipline: Penalties and Application of Procedure**

### **1. PENALTIES**

The penalties which may be imposed under By-Law XX Part B in respect of a breach of the College Code of Discipline are listed below. The penalty to be applied will be determined on a case by case basis, taking into account the particular circumstances in which the breach of the disciplinary code occurred and the impacts of the breach:

#### **1.1 Penalties for Minor Breaches of Discipline**

- a) A requirement that the subject apologise, orally or in writing, to the College or to named individuals
- b) A requirement that the subject undertake specified training
- c) A requirement that the subject produce a written reflection
- d) A warning, which will remain on the subject's disciplinary record for a specified period
- e) A ban, not exceeding 14 days from any specified College locations, facilities and services not including the subject's own College-provided living accommodation or the route to it, so imposed so as not to disproportionately interfere with the subject's academic work.
- f) A ban, not exceeding 28 days one academic term, from any specified College locations, facilities and services which, for the subject, serve an exclusively or almost exclusively recreational function.
- g) Service on College premises, of up to 20 hours, so scheduled as to give priority to the subject's academic work.
- h) A fine of up to £500, so calculated so as not to expose the subject to disproportionate hardship.

#### **1.2 Penalties for Major Breaches of Discipline**

- 1.2.1 Any of the penalties above may be imposed for a major breach. In addition the penalties which may be imposed for a major breach are:
  - a) A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation with or without conditions that need to be satisfied before a return to the College premises and/or accommodation; or

- b) A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation unless certain conditions are satisfied, with or without further conditions that need to be satisfied before a return to the College premises and/or accommodation; or
- c) Suspension from the College for a period of up to one academic year, with or without conditions that need be satisfied before return to College; or
- d) Suspension from the College for a period of up to one academic year unless certain conditions are satisfied, with or without further conditions that need to be satisfied before return to College; or  
 [Suspension from the College will lead to suspension from the University]
- e) Expulsion from the College unless certain conditions are satisfied; or
- f) Expulsion from the College

### **1.3 Conditional determination**

The Dean or a Disciplinary Panel may also dispose of the case by making a conditional determination that there should be no penalty so long as certain conditions are satisfied.

### **1.4 Conditions**

The conditions that may be attached to a penalty under paragraph 1.2 above, or to a conditional determination include:

- (a) that the subject is to commit no breach of the Code of Discipline of any type or of any specified type for a specified period or indefinitely;
- (b) that the subject is to report to the Dean at such intervals and for such period as the Dean and/or Disciplinary Panel may determine with a view to keeping the subject's conduct under review and for the purposes of which review the subject's assent to a conduct agreement may be required;
- (c) that the subject is to take some other reasonable step or steps specified in the disposal, the step or steps to be taken before a specified date, provided that the step will not be one designed to penalise the student.

### **1.5 Costs**

The Dean may always pass on to a student any costs incurred by the College as a direct consequence of the breach of discipline, for example the cost of removing graffiti. This does not include costs attributable to investigating and establishing the breach of discipline, or legal fees.

### **1.6 Approach to disposal**

- 1.6.1 When reaching a decision as to what penalty to impose, or specify in a conditional determination, the Dean or Disciplinary Panel will dispose of the case in a manner which is proportionate to the circumstances of the breach of discipline and the subject.
- 1.6.2 Relevant factors may include (without limitation):

- a) The seriousness of the breach of discipline
- b) The degree of harm caused to any victim, including the College
- c) The subject's previous disciplinary record
- d) Whether or not the subject has co-operated with the investigation
- e) The degree of insight shown by the subject
- f) The existence of mitigating or aggravating factors
- g) In the case of a financial penalty, the subject's financial position

1.6.3 Mitigating factors may include (without limitation)

- a) The subject has apologised to any victim
- b) It is the subject's first breach of discipline
- c) The subject admitted the breach of discipline at the earliest opportunity
- d) The subject has expressed remorse
- e) The subject has compelling circumstances that affected their judgment

1.6.4 Aggravating factors may include (without limitation):

- a) Any failure to co-operate with investigatory or risk assessment processes
- b) Where the conduct was motivated by protected characteristics or perceived protected characteristics
- c) Repeated breaches of the same or similar provisions of the Code of Discipline
- d) Failure to comply with a minor sanction

1.7 A non-exhaustive list of examples of behaviour which constitutes a breach of the Code of Discipline, and indicative penalties is included in the College's Student Handbook (<https://www.st-hildas.ox.ac.uk/students/student-handbook>).

2. *APPLICATION OF THE PROCEDURE*

2.1 The Procedure applies to any Junior Member, who is alleged to have breached the College Code of Discipline as set out in Part A, 2.

2.2 An alleged breach of the College Code of Discipline may be the subject of disciplinary steps under the Procedure only if the subject is alleged to have committed the alleged breach in their capacity as a Member of the College. A breach of discipline will be treated as having been committed in that capacity if:

- a) it was committed on or near College premises; or
- b) it was committed on or near the premises of another college or on or near University premises and a reasonable request is received from the Dean or other competent official of that other college, or from the University Proctors or the Head

of a University Department or the Chair of a University Faculty Board as the case may be, to deal with the matter as an offence against College discipline; or

- c) it was committed during College activities away from College premises; or
- d) it was committed when studying at a partner organisation; or
- e) it was committed on social media against any other Member of the College; or
- f) it threatens to bring the College into disrepute among reasonable people; or
- g) it was committed by the use of College facilities (such as computer networks) or privileges (such as intercollegiate internal mail); or
- h) it was committed by the use of University facilities (such as computer networks) or privileges (such as a University Card) and a reasonable request is received from the University Proctors to deal with the matter as an offence against College discipline; or
- i) it was committed against the College or any other Member of the College.

2.3 For certain types of report, steps may be taken under other procedures before the matter is addressed by the Dean. In particular:

2.3.1 Complaints about harassment including sexual misconduct may be considered under the College's harassment and sexual misconduct procedure.

2.3.2 Reports about medical students and PGCE students may be subject to preliminary consideration by the relevant University Department under Fitness to Practise procedures and may also be considered by that Department after the completion of a disciplinary procedure in College. The Department may impose precautionary measures pending the outcome of investigation under the Procedure.

#### **Other College Policies**

2.4 Where the Procedure applies, and the subject's situation also constitutes a proper basis for steps to be taken under another policy or procedure of the College (for example the College's fitness to study procedure), and the responsible person in College for that other procedure confirms that a report has been made about the student under the other procedure or that steps under that other policy or procedure are anticipated or have been proposed or initiated, the responsible College officers under each policy or procedure will together determine, in consultation with the subject, whether all steps should be consolidated so that they are taken under a single policy or procedure, provided that such a consolidation may not have the effect of depriving the subject of an avenue of appeal that they would otherwise have enjoyed. In the event of disagreement as to the appropriateness of a consolidation, the final determination is to be made by the Principal. The responsible officer of the College for the purpose of the Procedure is the Dean.

#### **University Policies**

2.5 Where the Procedure applies and the subject's situation also constitutes a proper basis for disciplinary steps to be taken by the University Proctors, and such steps have been proposed or initiated, any steps proposed or initiated under the Procedure may be stayed until the conclusion of Proctorial proceedings. Disciplinary steps may subsequently be taken under

this the Procedure notwithstanding that Proctorial proceedings have been discontinued or that Proctorial charges have been dismissed, and no finding of fact by the Proctors or absence of any such finding will bind the College.

### **Behaviour which could constitute a criminal offence**

- 2.6 Where the Procedure applies and the subject's situation also constitutes a proper basis for investigation by the police or by any other public authority, or for any other steps to be taken towards prosecution in the criminal courts, and such steps have been proposed or initiated (or their imminent proposal or initiation can reasonably be foreseen), any steps proposed or initiated under this the Procedure will usually be stayed until the conclusion or abandonment of the investigation or prosecution.
- 2.7 Where the alleged victim of an alleged criminal offence is a Member of the College, the College will provide that person with necessary support, including supporting them in their decision about reporting the matter to police.
- 2.8 Disciplinary steps may subsequently be taken under the Procedure notwithstanding that criminal proceedings have not been commenced or have been discontinued or that criminal charges have been dismissed. The College will not treat discontinuance or dismissal of such proceedings as evidence that the subject did not breach the College Code of Discipline in the manner alleged.
- 2.9 The fact that proceedings under the Procedure are stayed pending the outcome of criminal investigation or prosecution will not prevent the Dean from taking safeguarding and/or precautionary measures referred to in paragraphs 1.6 and 4.5 of the Procedure.
- 2.10 Where a student is found guilty of a breach of University regulations or a criminal offence, the College may subsequently pursue the same matter under the Procedure and attach its own penalty to the same breach or offence, making due allowance for any penalty or other measure already imposed by the Proctors or by the courts. The College also retains the right, following any Proctorial finding against or criminal conviction of the Student as well as in any other circumstances, to take steps to ensure the peace of the College and the safety of its Members, which are not regulated by the Procedure.

## **PART D: Academic Discipline and Examination Requirements**

### *1 Requirements for the maintenance of good academic standing: undergraduates.*

- i. For the purposes of By-law XX, 1-3, 'undergraduates' includes graduates reading for a Final Honour School.
- ii. Undergraduates are required to produce work of a standard commensurate with their individual ability and circumstances and appropriate to the stage which they have reached in their course: normally of 2.1 standard, but in no case of below Third Class standard. Undergraduates are not admitted to read for a Pass School.
- iii. Undergraduates must keep the residence requirements laid down by the University. An undergraduate who fails to do so will be sent down, unless she is granted dispensation by the University.
- iv. Attendance at tutorials, collections and at classes required by tutors is compulsory. Undergraduates must not absent themselves without prior permission except for illness or other urgent cause, which must be explained to the tutor as soon as possible afterwards.

Undergraduates must satisfy any conditions required by the Examination Regulations and Faculty handbooks relating to the particular School for which they are studying, e.g. for practical work or vacation courses.

- v. Every undergraduate is required to produce assignments (essays, problem sheets etc.) with the regularity required by the tutor(s), except where permission on adequate grounds is obtained, preferably in advance, from the tutor(s) concerned.
- vi. Every undergraduate is required either to sit a written invigilated collection at the beginning of each term, or to submit by the end of 0th Week written work specified by her tutor and produced during the vacation, unless dispensed by her tutor. Collections take precedence over all other engagements.

## 2 *Academic Deficiency*

- i. 'Academic deficiency' means breach of Part D, 1ii, iv, v or vi above. It shall be dealt with according to the following Academic Disciplinary Procedure. Every breach of Part D, 1 vi, and every breach of Part D, 1 iv or v lasting two consecutive weeks, shall normally entail the immediate initiation of the procedure.
- ii. **Stage 1: Informal Warning:** Academic deficiency is dealt with initially by an informal warning, given by the subject tutor(s) after consultation with the Senior Tutor. Such a warning may be given on the basis of information concerning academic deficiency received from an external tutor or college lecturer. An informal warning shall be issued at a special interview, at which should first occur a full discussion with the undergraduate, so that the latter can put her case and make the college aware of any mitigating or complicating circumstances. Any such factors which come to light should (with the undergraduate's permission) be noted on her file, and may affect the course of action to be taken and the outcomes of the interview. The tutor should explain to the undergraduate what improvements she is required to make within a defined timescale (normally within 1-4 weeks). Beyond this deadline, the undergraduate will remain on probation against failure to sustain the improvements, normally until the start of the next term but one following that in which the warning is given. The tutor must write to the undergraduate, normally within 3 working days of the meeting, confirming what improvements she is required to make and the timescale. A copy of the relevant part of By-Law XX, giving details of the Academic Disciplinary Procedure, should be enclosed with the letter. A copy of the letter must be sent to the College Academic Registrar, to be kept in the undergraduate's file.
- iii. **Stage 2: Formal Warning:** If the undergraduate fails to produce the improvements required in Stage 1 during the specified timescale or to sustain them during the specified probation period, she shall be called to a special interview with the Senior Tutor at which should first occur a full discussion with the undergraduate, so that the latter can put her case and make the college aware of any mitigating or complicating circumstances. Any such factors which come to light should (with the undergraduate's permission) be noted on her file, and may affect the course of action to be taken and the outcomes of the interview. If the Senior Tutor and the subject tutors believe that the student is genuinely trying to achieve the level of performance required by Part D, 1(ii), then Part D, 2 (x) should apply. If a Formal Warning is issued then the Senior Tutor should explain to the undergraduate what required improvements she is required to make within a defined timescale (normally within 1-4 weeks). Beyond this deadline, the undergraduate will remain on probation against failure to sustain the improvements (normally until the start of the next term but one following that in

which the warning is given). The Senior Tutor must write to the undergraduate, normally within 3 working days of the meeting, confirming what improvements she is required to make and the timescale. This will be copied to the relevant subject tutor and the Academic Registrar.

iv. **Stage 3: Penal Collections:** If the undergraduate fails to produce the improvements required in Stage 2 during the specified timescale or to sustain them during the specified probation period –

a) if the academic deficiency includes the submission of substandard work, the undergraduate may be set penal collections. The form of, date (which shall be as early as practicable) for, and standard to be attained in these collections shall be notified to the Tutorial Committee on the advice of the subject tutor(s) and Senior Tutor, which advice shall be formulated after discussion with the undergraduate; the standard to be attained should not without good reason diverge from that required of the undergraduate in her previous warnings. These details shall be communicated by the Senior Tutor in writing to the undergraduate. Penal collection papers shall be set externally, and blind marked by two external assessors. The outcome will be communicated to the undergraduate as soon as possible, and normally within two weeks. Failure to attain the required standard shall be referred to the Academic Disciplinary Committee. Attainment of the required standard shall be followed by probation against failure to sustain it, for the remainder of the undergraduate's time at the college, breach of which shall entail recommencement of the procedure at Stage 2.

b) if the academic deficiency is of any other kind, it shall be referred directly to the Academic Disciplinary Committee.

v. **Stage 4: Academic Disciplinary Committee:** If it is necessary under Stage 3 to refer an undergraduate to the Academic Disciplinary Committee, the Senior Tutor shall immediately inform the Principal and Vice-Principal. The Vice-Principal shall convene the Committee, consisting of the Vice-Principal and three further Fellows not being the undergraduate's tutors. The Committee shall proceed as follows –

(a) the Committee's hearing shall take place as soon as practicable; normally within one week of the Senior Tutor informing the Principal and Vice-Principal. The undergraduate shall in advance of the hearing be given a clear statement of the grounds for her being referred to the Committee, and a copy of all documentation with which the Committee is provided. She should be given the opportunity to bring forward material considerations and mitigating circumstances, which may include, but need not be confined to, medical evidence. The undergraduate should be allowed to take advice in advance of the hearing and should be adequately represented at the hearing itself, being given the chance either to make a written submission, or, if she prefers, to appear in person before the Committee. The undergraduate should in the latter case be offered the possibility of being accompanied by another junior or senior member, either of the College community or from elsewhere in the University.

(b) it shall be the duty of the Committee to establish all relevant facts and to decide, bearing in mind the interests of the College and of the undergraduate, whether the

undergraduate should be expelled; or should be rusticated, to be readmitted into residence on such terms as the Committee should decide; or should be permitted to remain in residence, on such terms as the Committee should decide. The undergraduate, her representative or companion, and her subject tutor(s) should withdraw before a decision is made. The Committee's decision, including a statement of all the relevant facts, shall be put in writing and conveyed to the Governing Body. A copy of it shall be given to the undergraduate.

- (c) the Committee may also decide, in exceptional cases, to refer the case to the University's Fitness to Study Panel. The Academic Disciplinary Committee would then be responsible for endorsing or rejecting the recommendation of the Fitness to Study Panel on behalf of the College.

vi. **Stage 5: Academic Disciplinary Appeal Panel:** The undergraduate may appeal against the decision of the Disciplinary Committee to an Academic Disciplinary Appeal Panel. Any appeal must be made in writing to the Principal within three days of the undergraduate receiving written notification of the Academic Disciplinary Committee's decision. The undergraduate may, but need not, communicate the grounds for their appeal. These may include failure of the Committee to follow procedure or the imposition of a disproportionate penalty. On receipt of an appeal, the Principal shall convene an Academic Disciplinary Appeal Panel.

- a) The Academic Disciplinary Appeal Panel consists of three Fellows, who need not be members of Governing Body; none of the members shall have been a tutor of the undergraduate; none of the members shall have sat on the Academic Disciplinary Committee hearing the case subject to appeal; the Senior Tutor may not be a member. Members of the Panel are appointed by the Principal, who also appoints one of them as Chair.
- b) The Panel shall meet as soon as practicable; normally within one week of being appointed. It shall be the duty of the Panel to review all the relevant facts and documentation, to verify that the academic disciplinary procedures were properly applied and to consider the proportionality of the penalty, bearing in mind the interests of the College and of the undergraduate. There need not be a hearing held, unless the undergraduate requests to appear before the Panel. The Panel may, in the light of its investigation, uphold or dismiss the recommendation of the Academic Disciplinary Committee, or vary the penalty to be more lenient.

vii. **Stage 6: Governing Body:** The decision of the Academic Disciplinary Committee and/or the Academic Disciplinary Appeal Panel will be reported to the next meeting of the Governing Body. The written record of the hearing(s) will be available to Governing Body members prior to the meeting. If the Governing Body considers the proposed penalty to be not appropriate for the academic deficiency for which the undergraduate was referred to the Committee, or believes that procedures have not been properly followed, it may ask the Committee (or where appropriate the Academic Disciplinary Appeal Panel), to reconsider its decision and to report back to the next scheduled meeting of the Governing Body. In such cases, the Governing Body must specify the precise nature of its concerns. The Principal shall convey the decision of the Governing Body to the undergraduate in writing within two days of its meeting, and the undergraduate must be provided with information on further appeal mechanisms available to him or her.

- viii. **Stage 7: Appeal Tribunal of the Conference of Colleges:** If the undergraduate wishes to appeal against the decision of the Governing Body, she may do so to the Appeal Tribunal of the Conference of Colleges, of which St Hilda's is a member. The appellant shall file such an appeal with the Secretariat of the Conference of Colleges, within five days of the date of the written notice to the student of the Governing Body's decision.
- ix. An undergraduate who, after any stage of the above procedure, attains what is required of her and meets the terms of any specified probation period, but who in the view of her tutor demonstrates fresh academic deficiency (whether or not of the same kind as before), shall be reported by the tutor to the Senior Tutor. The Senior Tutor shall then recommence the above procedure at Stage 2.
- x. If, at stages 1-3 in the above procedure, it is concluded that the undergraduate is experiencing genuine difficulty in producing the standard of work of which she is in principle capable, a strategy will be agreed between the undergraduate, the subject tutor(s) and the Senior Tutor whereby the undergraduate will have access to appropriate additional tuition/support. A note of the strategy will be sent to the undergraduate within a week of the agreement. The undergraduate's progress under the strategy will be monitored on a weekly basis for a period to be decided by the Senior Tutor in consultation with the subject tutor(s).

### *3 First Public Examination and Final Honours Schools*

- i. An undergraduate may not continue to study at the College unless she has passed the First Public Examination before the beginning of her second year of study.
- ii. An undergraduate who fails to pass a First Public Examination at her first attempt shall be required to retake the Examination at the next possible occasion.
- iii. If an undergraduate's result in the First Public Examination (whether on a first or second attempt) constitutes a failure to meet requirements incumbent upon her under the Academic Disciplinary Procedure, she shall (subject to iv below) be dealt with accordingly, following that procedure.
- iv. If, on her second attempt at the First Public Examination, an undergraduate fails the Examination, or achieves only an unclassified pass in a classified Examination –
  - (a) the Senior Tutor shall as soon as possible write to the undergraduate, enclosing a copy of the By-Law XX, giving details of the Academic Disciplinary Procedure, and giving her the opportunity to draw attention (in writing, and within a week) to any special contributory circumstances. If the undergraduate makes no such submission, the Senior Tutor shall inform the undergraduate that she is expelled and report the matter immediately to the Principal and to the next meeting of the Governing Body.
  - (b) If such a submission is made, the Senior Tutor shall immediately inform the Principal, and the Vice Principal who shall convene the Academic Disciplinary Committee to decide how the case should be treated. The Committee shall be constituted and shall proceed as described in Stage 4 of the Academic Disciplinary Procedure. In addition to the courses of action set out in Stage 4 v (b) the submission may include a request for a further, exceptional, opportunity to re-sit the First Public Examination. In this case the Academic Disciplinary Committee shall

consider and decide whether the College should support an application to the Education Committee of the University for a further exceptional opportunity to be granted. Stages 5 to 7 (Part D, 2 viii) of the Academic Disciplinary Procedure shall be followed as necessary. The undergraduate has the right to make an application to the Education Committee regardless of the College's decision on this matter.

v. FHS

Undergraduates will not be allowed to defer Schools unless there are medical grounds or in very exceptional circumstances which seem reasonable to the Principal and the Senior Tutor. An undergraduate who has been or is on probation will be warned at the time of the probation that a poor academic performance will not be accepted as a reason for deferral.

## PART E: Other Procedures and Provisions in Relation to Junior Members

### *Fees and Charges*

- 1 The Governing Body may, after taking into account any representation made by or on behalf of the Junior Member, suspend any Junior Member who is in default in the payment of any fee or charge due to the College or to the University until payment has been made.

### *Procedures in Relation to Ill-Health*

- 2 In the event that the Dean believes that a Junior Member is suffering from a serious problem which arises from ill-health, whether this has come to light in the course of a disciplinary investigation or otherwise, she may refer the Junior Member to the College Doctor for assessment. A similar reference may be made by the Disciplinary Committee in the course of its investigation into any disciplinary charge or by the Tutorial Committee or the Academic Disciplinary Committee in relation to academic under-performance.
- 3 Where disciplinary proceedings have already been commenced they shall be adjourned pending a determination under these procedures.
- 4 The College Doctor shall be responsible for examining the state of the Junior Member's health, and seeking medical evidence where necessary from the Junior Member's general practitioner or other medical adviser and may recommend that she submit to an independent medical examination at the College's expense. Any request for a medical report shall observe the provisions of the Access to Medical Records Act 1988.
- 5 If the Junior Member fails to cooperate with these enquiries she may be liable to suspension.
- 6 The College Doctor, having considered the evidence available, shall report her findings to the Dean, if the reference has been made by the Dean, or to the Committee if the reference has been made by any Committee. The Dean or the Committee, as the case may be, may invite the Junior Member to attend a hearing to consider all the evidence. At the Dean's or the Committee's discretion, a third party may represent the Junior Member at such a hearing.
- 7 Having considered the evidence, the Dean or the Committee may proceed in any of the following ways:
  - (a) in any case where disciplinary proceedings have been adjourned, but the Dean or the Committee is satisfied that the Junior Member is not suffering from a serious problem relating to ill health, the proceedings shall be resumed; or

- (b) in any other case, the Dean or the Committee may
    - (i) dismiss the matter, whether absolutely or subject to conditions (e.g. as to medical treatment);
    - (ii) suspend the Junior Member for a specified period not exceeding one term (whether or not subject to conditions); or
    - (iii) invite the Governing Body to refer the matter to a Medical Panel to consider whether the Junior Member should be expelled, or should be suspended for a period longer than one term, or indefinitely.
- 8 A Medical Panel shall comprise three members appointed by the Governing Body when the occasion arises, with experience appropriate to the issues under consideration. At least one member of the Panel shall be medically qualified and at least one member of the Panel shall be a Fellow of the College with recent tutorial experience. The Panel shall invite the Junior Member to attend a hearing. At the Panel's discretion, a third party may accompany and/or represent the Junior Member. The Panel shall consider in the light of the evidence whether the Junior Member's continued residence in the College is desirable, taking account both of the interests of the Junior Member and of the College community, and shall report its conclusions to the Governing Body with a recommendation.
- 9 On receipt of the Panel's report, the Governing Body may implement any recommendation in relation to expulsion or make such lesser order as it thinks fit.
- 10 At all stages of these procedures, the Junior Member shall be given at least 5 days written notice of a hearing or examination, with information of the issues under consideration, and shall be given the opportunity to make representations.
- 11 If at any stage of these procedures the Junior Member, having received reasonable notice of a hearing or examination, without reasonable cause fails to attend or be represented, then the Dean or the Disciplinary Committee or the Medical Panel or the Governing Body, as the case may be, may proceed in her absence.

*General procedural requirements*

- 12 In all procedures under this By-Law which may lead to the imposition of a penalty by the Disciplinary Committee or the Governing Body, the Junior Member shall be given at least 5 days written notice of the relevant hearing, with information of the issues under consideration, and shall be given the opportunity to make representations. At the discretion of the Committee or of the Governing Body, a third party may accompany and/or represent the Junior Member. If at any stage the Junior Member without reasonable cause fails to attend or be represented then the Committee or the Governing Body, as the case may be, may proceed in her absence.
- 13 A Junior Member who is liable to be expelled or rusticated or subject to any other serious penalty shall be reminded of her right to bring a complaint or appeal to the Visitor.

*Student Complaints Procedure*

**14 Introduction:**

- 14.1 This section lays out procedures for students who wish the College to consider and, if necessary, respond to serious dissatisfaction with their tuition, or other aspects of College

life, in cases that do not involve harassment or appeals against the outcome of a disciplinary procedure (which have their own procedures also set out in this handbook).

- 14.2 The majority of cases will normally be settled by the complainant resolving her grievance directly with a tutor or college staff member or manager. Where this is not possible complainants can adopt an informal procedure but a formal procedure is also available where a complainant wishes to register a written grievance.
- 14.3 Anonymous complainants or complaints made on behalf of someone else will not be allowed.
- 14.4 If a complaint remains unresolved after the college's internal procedures have been exhausted a student may ask for the complaint to be reviewed by the Office of the Independent Adjudicator for Higher Education (see [www.oiahe.org.uk](http://www.oiahe.org.uk) for further information). Application forms and guidance notes are available from the Academic Administrator. (Please note that complaints relating to academic discipline as set out in By-Law XX are also within the scope of the OIAHE).

## **15 Informal Procedure:**

- 15.1 Complaints may be discussed with any Fellow and the complainant can be accompanied at any stage by a friend or an adviser (e.g. an officer of the JCR or MCR). Fellows who are not themselves College Officers but who have been contacted by a complainant are encouraged to contact the relevant College Officer as quickly as possible.
- 15.2 The relevant College Officers are as follows:
- 15.2.1 for academic matters: the Senior Tutor;
  - 15.2.2 for issues involving domestic college staff and services e.g. food and accommodation: the Domestic Bursar;
  - 15.2.3 for financial matters: the Bursar;
  - 15.2.4 other behavioural and disciplinary matters: the Dean;
  - 15.2.5 for complaints about a College Officer: the Principal;
- 15.3 To resolve the complaint the relevant Officer will:
- 15.3.1 seek to offer sympathetic and confidential advice and/or;
  - 15.3.2 try to find a remedy, or a reconciliation (in cases where relations have broken down between individuals, and the complainant does not object to this course).
  - 15.3.3 note the withdrawal of a complaint where the complainant decides to do so.
  - 15.3.4 adopt the formal procedure in cases where the informal procedure has not resolved a complainant's grievance and the complainant wishes to take the matter further.

## **16 Formal Procedure:**

It is not an a priori condition of using this procedure that an informal approach must be exhausted before a formal approach is adopted. All formal complaints must be made in writing to the relevant College Officer as set out in 15.2 above.

### ***Stages in Formal Procedure:***

- 16.1 A written complaint is submitted to the appropriate College Officer.
- 16.2 The relevant College Officer investigates the complaint and sets out in writing whether the complaint is upheld or not giving reasons for the outcome of the investigation. Wherever possible the written report will be produced within fourteen days of the date of the written complaint.
- 16.3 Where the College Officer is unable to resolve the complaint to the satisfaction of the complainant the latter must give notice within seven working days of his/her dissatisfaction and also give the reasons why the grievance remains unresolved.
- 16.4 The unresolved grievance will then be considered by the independent members of the appropriate College Committee or body as follows:
- 16.4.1 For academic, financial, decanal and domestic matters the General Purposes Committee.
- 16.4.2 For complaints against a College Officer the Governing Body.
- 16.5 The procedure to be adopted in such circumstances will be as follows:
- 16.5.1 the complainant will be invited to present their case to the appropriate committee.
- 16.5.2 the complainant may be accompanied as set out in 15.1 above.
- 16.5.3 the relevant College Officer will present his/her case.
- 16.5.4 both parties will withdraw whilst the relevant Committee or body considers the representations from both sides.
- 16.5.5 the relevant Committee (except in the case specified in 16.4.2 above) will make a recommendation to the Governing Body.
- 16.5.6 the Governing Body will make its decision and communicate it in writing to both parties.
- 16.5.7 the Governing Body's decision will be final.

## **17 Harassment Policy and Procedure**

Any complaints of harassment will be considered in line with the Policy and Procedure on Harassment within the Student Handbook.

## **17 Monitoring Arrangements**

The relevant College Officer will keep a register of the number of complaints made using the formal procedure in an academic year, and a summary of numbers and outcomes will be collected by the Governing Body Secretary and submitted to the Governing Body. The register will indicate how many formal complaints have been registered, and what stage they reached (resolved by the Officer, resolved by Committee recommendation to GB in favour of the complainant, not resolved in favour of the complainant).

Last amended [16.10.19]

## BY-LAW XXI. EMOLUMENTS OF SCHOLARS AND EXHIBITIONERS

These shall be determined annually by the Tutorial Committee.

Last amended 6.11.90

## BY-LAW XXII. THE CHAPEL

Holy Communion shall be celebrated in the College Chapel at least once a term according to the rites of the Church of England.

Last amended 6.11.90

## BY-LAW XXIII. THE ASSOCIATION OF SENIOR MEMBERS

1. Those qualified for membership of the Association shall be:
  - (a) Those who were qualified members of St Hilda's Hall when the Charter of Incorporation was granted to the College.
  - (b) Members of St Hilda's College who have supplicated or are eligible to supplicate for a degree of the University of Oxford.
  - (c) The Principal, Fellows (Official, Beale, Professorial, Honorary, Emeritus, Supernumerary and Research), Lecturers, Bursar, Academic Registrar, Domestic Bursar, Librarian and those administrators to whom this membership is explicitly extended in their letter of appointment, both while in post and subsequently.
  - (d) Sacher Visiting Fellows, Lee Hysan Award Holders and Schoolmistress Fellows on the termination of their Fellowships or Awards.
  - (e) Visiting Students on termination of their stay, provided that stay has extended over at least one term.
  - (f) Such other persons as the Governing Body may elect to membership on the recommendation of the Association.
  - (g) Such other persons as the Governing Body may elect to honorary membership on the recommendation of the Association.
2. A Register shall be kept at the College of the names of the Senior Members with their last known addresses. The Register shall be kept by the Development Director or by some other person appointed by the Governing Body.
3. Members of the Association qualified according to 1(b) (d) (e) and (f) shall pay the College a Life Subscription unless the Governing Body determine otherwise. Any Junior Member of the College may exercise the option not to join the Association in accordance with procedures approved by the Governing Body.
4. The College shall hold all such fees as part of its general funds. It shall pay annually to the Treasurer of the Association a capitation fee for each Senior Member.
5. Members of the Association shall be entitled to receive the Annual Review of the College, the Chronicle of the Association of Senior Members, and invitations to the Gaudy and to meetings of the Association.

Last amended 11.10.17

## BY-LAW XXIV. ACADEMIC STAFF

### A. Redundancy Procedure

#### *Stage 1 - Governing Body Meeting to decide whether there should be a reduction in the academic staff*

- A.1.1 In the event that a reduction in academic staff or activity is contemplated for any reason whatsoever, the Principal shall call a Special Meeting of the Governing Body called for this specific purpose to consider and determine upon the matters set out in Clause 10(ii) of Statute XI, Part II.
- A.1.2 If any member is unavoidably unable to attend and reasonably considers that she may be personally affected by a decision under Clause 10(ii), for example because the Governing Body may be considering deleting a subject altogether, she shall be entitled to seek a postponement of the meeting by written notice to the Principal to be delivered to her at least three days prior to the date set for the meeting.
- A.1.3 Prior to the special meeting, the Principal shall cause a detailed memorandum of information to be prepared on a confidential basis for the Governing Body. The memorandum shall contain all relevant available information including financial and academic matters, setting out in detail the position of the College and the matters to be considered both in favour of and against making any reductions in general terms and in so far as possible without reference at this stage to the position of any individual members of academic staff who may be affected.
- A.1.4 The memorandum shall put all considerations forward fairly and in an even-handed manner and shall not make recommendations for any specific course of action. The memorandum shall evaluate as far as possible the impact of any reduction on the principles established by Clause 1 of the Statute.
- A.1.5 To provide members with an opportunity to consider, and respond to, the memorandum of information, it shall be circulated at least seven days before the relevant meeting of the Governing Body and representations shall be invited. Any representations which are received in the Principal's Office by 12pm on the second day before the day of the meeting shall be circulated to all members of the Governing Body.
- A.1.6 Prior to making any decision under Clause 10(ii) the Governing Body shall consider the impact of such a decision on the relevant Division Faculty or Department and subject boards and shall consult with the relevant University bodies.

#### *Stage 2 - Redundancy Procedure: Initial Stage*

- A.2.1 Once a decision has been reached in principle under Clause 10(ii) of the Statute, the Governing Body shall appoint a Redundancy Committee ("the Committee") unless it determines that it will carry out the task of handling any redundancies itself.
- A.2.2 Members of the Committee shall be selected in accordance with the provisions of Clause 11 of the Statute. However no members who appear to be personally affected or likely to be so affected shall be chosen. The Chair of the Committee shall be expressly so appointed by the Governing Body.
- A.2.3 In the case of potential collective redundancies the Governing Body shall, and in all other cases may, consider and establish appropriate procedures for consultation with representatives of the members of staff potentially affected. Such consultation shall

generally be carried out by the Redundancy Committee or, if none is appointed, the Governing Body itself. Such consultation shall be with either a recognised trade union or specially elected "workplace" representatives as defined by any relevant legislation currently in force, or in the absence of any such representatives all the individuals potentially affected by the decision, and shall commence in good time with a view to reaching agreement in relation to the matters set out in any legislation in force for the time being.

- A.2.4 The Redundancy Committee (or if none is appointed, the Governing Body) shall meet as soon as is reasonably practicable to establish a time-table for consideration of the issues. The Committee shall consider the identification of those who are potentially at risk of redundancy and shall seek to identify any alternatives to redundancy to avoid redundancy and/or to mitigate the effects. It shall also consider, where applicable, selection criteria for the determination of who is to be chosen from among those who are potentially redundant.
- A.2.5 No decision shall be taken upon any of the relevant matters without the Committee's ensuring that there has been full and proper consultation with the affected persons and their representatives. For this purpose, and prior to any decision being made, the Committee shall ensure that each person is afforded an opportunity to meet with members of the Committee (accompanied by a representative if they wish), to be provided with relevant information and to make representations on any aspect of the case.
- A.2.6 After having considered all relevant matters the Redundancy Committee shall meet to formulate its recommendations together with the reasons for them. A written report of the recommendations and reasons for them shall be provided to the Governing Body and to the affected person or persons as well as their representative(s).

#### *Stage 3 - Decision to Dismiss*

- A.3.1 Upon receipt of the report and recommendations of the Redundancy Committee a Special Meeting of the Governing Body shall be convened to consider the matter further.
- A.3.2 Any member whose dismissal on grounds of redundancy is recommended by the Redundancy Committee, shall be permitted at least two weeks between the date of the Committee's report and the Special Meeting of the Governing Body called for this specific purpose to prepare and submit any representations she considers appropriate to the Governing Body. Any representations which are received in the Principal's Office by 12pm on or before the second day before the day of the meeting shall be circulated to all members of the Governing Body.
- A.3.3 In addition to submission of written representations, the person concerned shall have the opportunity to make oral representations to the Governing Body at the Special Meeting called specifically for this purpose prior to any decision being made and shall be entitled to be accompanied and/or represented by a person (who may be a professional, legal and/or trade union representative of her choice).
- A.3.4 The Governing Body may request a member of the Redundancy Committee (where appointed), being the Chair or her delegate, to attend the Governing Body formally in that capacity to present the Committee's recommendations and to answer questions from the Governing Body and/or the person or persons concerned. If the Governing Body so determines, the Redundancy Committee may be asked to carry out further consultation with affected members or any other appropriate person.

- A.3.5 No meeting of the Governing Body at which a decision to dismiss under Part II is taken shall be quorate unless at least two-thirds of those members of the College entitled to attend are present and no vote shall be effective unless at least 50% of those attending vote in favour. Members of the Governing Body who are affected by the Redundancy Committee's decision or who are members of the Committee shall be entitled to vote.
- A.3.6 Prior to making any decision to dismiss in accordance with recommendations of the Redundancy Committee, the Governing Body shall specifically canvass any alternative employment opportunities or any other means of avoiding a dismissal for redundancy. In addition the Governing Body shall ensure that it has been fully appraised of any USS options which the person affected may be able to exercise in the event of redundancy.
- A.3.7 In the event that the Governing Body accepts the recommendations of the Redundancy Committee and votes to dismiss any member on grounds of redundancy, a written note of the decision of the Governing Body together with a copy of the procedures establishing a right of appeal shall be provided to the person affected and her representative. No decision shall be implemented until after any appeal has been determined under Part V of the Statute.
- A.3.8 If the Governing Body decides upon the dismissal of any member on grounds of redundancy, it shall ensure that provision is made to assist the person concerned with financial and career planning, with reasonable expenses to be met by the College.

## B. Disciplinary Procedure

### B. 1. *Informal Stage*

- B.1.1 Where it appears to the Principal that the conduct or performance of a member of academic staff is falling below an acceptable standard or the member of staff appears to be otherwise in difficulties, the Principal may arrange to meet with that person on an informal basis to explore the situation and to consider what action can be taken to improve her conduct or performance. The Principal may appoint a colleague (being a Fellow or Honorary or Emeritus Fellow of the College) to conduct the informal discussions with the person concerned either with the Principal or alone. The informal discussion shall not be viewed as a disciplinary act but as an opportunity to explore together any problems that appear to have arisen and consider solutions that may be available. A record of this initial meeting may be kept, provided the member of staff agrees and a copy of any note is made available to her. If the person concerned prefers, the discussion may be kept confidential at this stage.

### B.2. *Disciplinary Warnings*

- B.2.1 In any case where it seems to the Principal that the performance and/or conduct of a member of academic staff appears not to meet acceptable standards but where the circumstances do not appear to raise prima facie grounds for dismissal (for example, after investigation of a complaint submitted to the Principal under Clause 14(i) of Statute XI which is not to be referred to an Academic Disciplinary Committee), the Principal may convene a meeting with the individual for the purpose of considering the matter and any appropriate sanction. No disciplinary sanction shall be imposed unless the person concerned has had reasonable notification of the allegations made against her and an opportunity to respond and until the matter has been properly investigated by or at the behest of the Principal.

- B.2.2 Prior to the disciplinary meeting, the person concerned shall be provided with written notification of the date and nature of the meeting and the matters to be considered, together with copies of any relevant statements. She shall have the opportunity to be accompanied or represented by a colleague or representative from any professional body or trade union of which she is a member such as the AUT. The individual shall not normally be permitted legal representation at this stage.
- B.2.3 In the event that it appears to the Principal that the individual's conduct and/or performance has fallen below acceptable standards, and depending on the gravity of the situation and all the circumstances of the case, the Principal may issue an oral or written warning.

**B.2.3(a) Oral Warning**

The oral warning is the first stage of the disciplinary procedure. It shall state clearly that it comprises the first stage of the disciplinary process. The reasons for the warning shall be specified, together with any agreed plan of action for improvement, where applicable. The oral warning shall be recorded in a dated written note, a copy of which shall be provided to the individual. The note shall be kept in the file kept by the Principal in respect of the person concerned and shall be regarded and marked as spent after one year.

**B.2.3(b) Written Warning**

In the event that the person's conduct and/or performance does not improve, or gives further cause for concern whether of a similar nature or not, within the twelve month period during which the oral warning remains live, and in any case where the seriousness of the matter so merits, the disciplinary action which the Principal may take short of dismissal is a written warning. The written warning shall specify the reason and set out the improvement required and the time for achieving it. It shall be dated and a copy shall be provided to the individual as well as being kept in the file kept by the Principal in respect of the person concerned. A written warning remains "live" for a period of two years after which it shall be regarded and marked as spent.

- B.2.4 In the event that either an oral or a written warning is issued, the person concerned shall be notified of her right of appeal under Clause 13(iii) of the Statute.

*B.3. Dismissal*

In any case before the Principal, whether on a complaint under Clause 14 (i) or otherwise, she shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14 (ii) and any comments from the person concerned invited under Clause 14(iii). If, after such consideration, it appears to the Principal that there are prima facie grounds for dismissal for good cause as defined in Clause 5 of the Statute, the Principal may call on the Governing Body to appoint a Senior Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 16-19 of the Statute.

- B.3.1 Upon receipt of a request under Clause 15 of the Statute from the Principal, the Governing Body shall appoint the Senior Academic Disciplinary Committee (the "Committee") as soon as reasonably practicable and shall inform the person to be charged by written notice that the Committee has been appointed to consider any charge or charges to be brought. The written notice shall include the names of the members of the Committee and shall enclose a copy of this By-law. At the same time the Governing Body shall appoint a solicitor or other

suitable person to formulate charge(s) and to conduct or arrange for the conduct of the hearing. The Governing Body shall appoint one of the members to act as Chair.

- B.3.2 Subject to the provisions of the Statute and any provision to the contrary in this By-law, the Committee shall have power to regulate its own proceedings. If any member of the Committee is unable to attend within 3 weeks of the date of her or his appointment or the date of any earlier meeting of the Committee the Committee shall be discharged and a new Committee shall be appointed in accordance with the provisions of the Statute. The Committee shall be entitled to appoint a secretary to support it in discharging its function at any time and to take notes of evidence at any hearing.
- B.3.3 The person appointed to formulate the charge or charges ("the prosecutor" - which expression may include a solicitor or any person instructed to act on that person's behalf) shall notify the person charged of the date and time set for the hearing of the charge or charges.
- B.3.4 The person charged shall notify the prosecutor of any representative she has appointed to act for her and any further communications shall be addressed to the person charged and to any representative appointed by her. Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be at the charge of the person accused.
- B.3.5 The Committee Chair may make any interlocutory directions she considers necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of her own motion. The Chair may also remit any matters to the Principal for further consideration and has power to join further parties to the case if she considers it appropriate to do so upon notice to the parties of such joinder. The Chair of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously.
- B.3.6 At least 14 days before the date set for the hearing, the prosecutor shall forward the following to the Committee and person charged and any other parties to the hearing:
- (a) the charge or charges;
  - (b) copies of any documents specified or referred to in the charge or charges;
  - (c) a list of witnesses to be called by the prosecutor;
  - (d) copies of statements containing the witnesses' evidence.
- B.3.7 At least seven days before the date set for the hearing, the person charged shall forward to the prosecutor copies of any documents on which she wishes to rely, a list of her witnesses and copies of their statements of evidence. The prosecutor shall ensure that copies of all these are prepared and forwarded to the Committee as soon as practicable.
- B.3.8 The jurisdiction and power of the Committee shall not be restricted by the fact that the person charged has been, or is liable to be, prosecuted in a court of law in respect of any act or conduct which is the subject of proceedings before the Committee. The Committee may postpone or adjourn a hearing, if it considers it appropriate, to enable a prosecution to be undertaken.
- B.3.9 Subject to the consent of the Committee, both the prosecutor and the person charged may introduce new evidence at the hearing save that in the case of the prosecutor such new

evidence shall not be admitted except for good reason. In the event that new evidence is admitted, the other party shall have the right to an adjournment to allow her time to consider the evidence and its effect on the case and may then submit further evidence in response, provided that the Committee consents, such consent not to be unreasonably withheld.

- B.3.10 The Committee may proceed with the hearing in the absence of any party but shall not do so in the absence of the person charged or her representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case or unless the person charged agrees or so requests.
- B.3.11 Subject to the right of the person charged, her representative and the prosecutor to be present throughout the hearing, the Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it.
- B.3.12 Each party to the proceedings shall be entitled to give evidence at the hearing, to make an opening statement, to call witnesses, and to question any witness. Closing statements may be made by the prosecutor first and then any other parties, with the person accused being given the opportunity to speak last.
- B.3.13 Without prejudice to the Committee's general power to regulate its own conduct, it shall specifically have the power to set time and other limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present its relevant evidence whilst ensuring that the charge is heard and determined as expeditiously as is reasonably practicable. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- B.3.14 The Committee shall ensure that its secretary or some other appropriate person is present throughout the hearing so that a full and accurate record of the evidence may be taken.
- B.3.15 It is for the prosecutor to prove the charge or charges. In determining whether the charges or any of them are proved the Committee shall consider the evidence and decide whether on the balance of probabilities it considers that good cause for dismissal within the meaning of Clause 5 of Statute XI has been proved in respect of each charge before it.
- B.3.16 If the Committee decides that a charge has been proved, it shall give each party an opportunity either orally or in writing at the option of the Committee to address it on the question of penalty and/or mitigation prior to determining any recommendations that it may make to the Principal.
- B.3.17 The decision of the Committee shall be recorded in a document in which the Committee's findings of fact, its reasons for the decision and any recommendations as to penalty are contained. The document shall be signed by the Chair of the Committee and at least one other member. The document shall be sent directly by the secretary of the Committee to the person charged and to her representative in addition to the other parties specified in Clause 19 of Statute XI. The person charged shall be notified of her right of appeal against the decision or against any recommendation of the Committee as to penalty.
- B.3.18 Where any charge has been upheld and the Committee has recommended dismissal, the Principal or her delegate shall inform and consult the Governing Body prior to making any decision as to penalty. She shall arrange for a Special Meeting of the Governing Body called for this specific purpose for this purpose and shall keep the person charged informed as to

the process. The person charged shall not have the right to make further representations to the Principal at this stage.

- B.3.19 If the Principal decides to dismiss the person charged she may do so forthwith or upon such terms as she considers fit. If the Principal decides not to dismiss, the actions she may take are as set out in Clause 20(ii) of the Statute. Any warning given under Clause 20(ii) (c) shall be recorded in writing and shall remain live for two years. In all cases the Principal's decision shall be communicated to the person charged in writing as well as to the Governing Body.
- B.3.20 No decision as to dismissal or otherwise implementing recommendations of the Committee shall be implemented until after any appeal has been determined under Part V of Statute XI.

## C. Procedure for Removal on Medical Grounds

### C.1. *Preliminary Stage*

- C.1.1 Where from the conduct or performance of a member of academic staff it appears to the Principal that there may be cause for concern about that person on medical grounds, and in any case where the member of staff has been absent on medical grounds for an aggregate period of six months in any twelve month period, the Principal shall meet with the individual concerned and consider the circumstances of the case. The consultation shall be on a confidential basis if the member of staff so wishes, but the Principal may appoint an informal panel of two or three individuals, including one who is medically qualified, to advise and assist her.
- C.1.2 At this stage the purpose of the meeting and any subsequent investigations is to elucidate the nature of the problem and to consider ways of assisting the member of staff to resume her full contractual duties. If the Principal considers it advisable, she shall seek the member of staff's consent to disclosure of the latter's medical record in accordance with the Access to Medical Reports Act 1988. The Principal may also, with the consent of the member of staff, arrange for her to be examined by an occupational health physician or other medical practitioner to assess among other things the prognosis for a return to work and any available treatment. Any fees payable in relation to such examination shall be borne by the College.
- C.1.3 The Principal shall consider with the member of staff, and other concerned people as required, ways of ensuring that students and others for whom the individual has contractual responsibilities have their teaching, pastoral and other needs, as may be, met by a rearrangement of resources or other arrangements. In all cases, and especially where third parties are consulted, the Principal shall do all that is reasonably practicable to respect the confidentiality of the member of staff if she so wishes. The Principal shall also consider whether counselling or other assistance shall be offered to the member of staff at the expense of the College.

### C.2. *Medical Incapacity*

- C.2.1 If it appears to the Principal that the situation is unlikely substantially to improve within a reasonable period of time, or in any case where the condition of the member of staff or any mental or physical quality affecting the member of staff is such as substantially to interfere with the performance of her duties, the Principal shall consider the removal of the member of staff in accordance with the provisions of Clauses 23 and 24 of the Statute. Prior to taking any action under this section, the Principal shall consult with the individual and/or any

representative nominated by her as to the steps to be taken and their likely outcome. The consultation shall specifically include consideration of the person's condition and likely future state of mental or physical capacity, and whether the person wishes to seek early retirement or a reduction of duties and hours (with a commensurate reduction in stipend). The wishes and needs of the person concerned shall be balanced against the tutorial or other relevant requirements of the College.

- C.2.2 The consultation process shall also include consideration of any adjustments which could reasonably be made to the duties of the employment and/or the physical features of the premises and/or any arrangements made by or on behalf of the College so as to facilitate the continued employment of the person concerned. The Principal shall not consider the removal of the person concerned from her office or employment without first availing herself of advice and assistance as to any facilities that may be available to assist the person. In general the Principal shall have regard to the provisions of the Equality Act 2010 and associated Codes of Practice, as appropriate.
- C.2.3 The Principal shall seek to obtain a medical report concerning the member of staff from the medical practitioner who has had clinical care of her and shall notify the person concerned to that effect in writing, seeking the member's consent in writing in accordance with the provisions of the Access to Medical Reports Act 1988.
- C.2.4 At all stages the person concerned shall be able to nominate a friend, professional colleague or other representative to assist and advise her. Provided that clear notification is given to the Principal, such a representative may be given authority to act instead of the person concerned if the latter so wishes and may give such consents, agreements etc. as the person concerned would be able to give. Such authority shall include, but not be limited to, a power of attorney, including an enduring power which has been duly registered with the Court of Protection.
- C.2.5 In the event that the member of staff does not apply for medical retirement, or does and is rejected, the Principal shall consider all the circumstances of the case, including any available medical information, and shall determine in particular whether the case should be forwarded to a Medical Board or a Senior Academic Disciplinary Committee.
- C.2.6 Any powers of the Principal may be exercised instead by a duly appointed alternate or other appropriate officer and references to the Principal shall, throughout this By-Law be construed as including references to the alternate.

### *C. 3. Medical Board*

C.3.1 If after considering all the circumstances of the case the Principal concludes that the removal on medical grounds of the member of staff (hereafter the person concerned) should be considered, she shall so inform the person concerned. The notification shall be provided in writing and shall be presumed to have reached the person concerned two days after being sent. The Principal shall notify the person concerned that a Medical Board (the Board) is to be appointed to consider whether she shall be removed from office on medical grounds, and shall request the person concerned to nominate someone to sit on the Board. If, within a reasonable period of time, the person concerned fails to nominate a person who is willing and able to sit on the Board reasonably expeditiously, the Principal shall presume a default and shall herself nominate someone.

C.3.2 At the same time as notifying the person concerned the Principal shall also convene a Special Meeting of the Governing Body called for this specific purpose to consider the matter confidentially

and shall request the Governing Body to nominate a member to sit on the Board. If possible the member nominated by the Governing Body shall have some experience of the mental or physical incapacity apparently affecting the person concerned. The Governing Body shall canvass and propose the names of three medically qualified people to the person concerned to act as Chair of the Board. For this purpose the Governing Body may seek the advice of the College doctor or any other suitable person on a confidential basis. In the event that agreement cannot be reached between the Governing Body and the person concerned as to the appropriate person to chair the Board, the Governing Body shall request the President for the time being of the Royal College of Physicians to nominate a Chair. The Governing Body shall nominate an appropriate person from among the Fellowship who is unconnected with the case to act as secretary to the Board.

*C 4. Procedures for a Medical Board Hearing*

- C.4.1 Where a Medical Board has been appointed to determine a case referred to it under Clause 23(iii) of the Statute, the Chair shall appoint the time, date and place for the hearing and the secretary shall notify all parties in writing. The Board shall have power to adjourn the hearing from time to time as it sees fit.
- C.4.2 At least 21 days before the hearing, the Principal shall refer whatever relevant evidence she has in confidence to the Board and shall make the evidence available to the person concerned and/or any representative she has nominated to act for her, except for information for which a medical practitioner has claimed exemption from disclosure under the provisions of section 7 of the Access to Medical Reports Act 1988.
- C.4.3 The Principal shall consider the case and, if she thinks it necessary, may appoint someone to present the case for removal as well as the relevant oral and documentary evidence to the Board. Witnesses may be called by the person presenting the case, in which case copies of their statements shall be made available to the Board and the person concerned at least 14 days prior to the date set for hearing.
- C.4.4 The person concerned shall be entitled to an oral hearing before the matter is determined by the Board. The parties to the hearing shall be the person concerned (including any person appointed to act for or instead of her), any one appointed to present the case for removal and any other party which the Board may join at its own discretion. The secretary to the Board, the person concerned and/or her representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Board to determine who may be present at any time.
- C.4.5 The person concerned shall be entitled to present whatever evidence she considers relevant, subject to the overall right of the Board to regulate its own conduct of the hearing. At least 10 days before the hearing, the person concerned shall provide the secretary to the Board with copies of any evidence, including medical evidence, on which she wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible.

The person concerned and the person presenting the case for removal may each call one/two expert witness(es) whose statement(s) shall first be presented in writing to the other parties.

- C.4.6 Any party may produce additional evidence during the hearing subject to the Board's consent and subject to any adjournment that may be required to give the parties time to consider and respond.

- C.4.7 Each party to a hearing shall be entitled to give evidence at the hearing, to make opening and closing statements (either personally or through a representative) and to call witnesses and to question any witness concerning any relevant evidence. Subject to the provisions of this By-law and of the Statute, the Board may regulate its own procedure and shall ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- C.4.8 The Board may proceed with the hearing in the absence of any party but shall not do so in the case of the person concerned and/or her representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case. Normally the Board should postpone the meeting if it is not reasonable or practicable for the person concerned or her representative to attend for a reason which was not foreseeable when the hearing was arranged. If at any time a member of the Board is unable to continue, the Board shall be discharged and a new one appointed in accordance with the procedure set out under Clause 3 above.
- C.4.9 The person presenting the case for removal shall specifically draw the attention of the Board to the provisions of the Equality Act 2010 and provide the Board with information as to what adjustments have been considered to avoid the removal of the person concerned from her employment, together with information as to cost and effectiveness of the adjustment(s).
- C.4.10 At any stage before making its decision the Board may call for additional information including requiring the person concerned to undergo medical examination by a medical practitioner chosen or agreed by the Board, at the College's expense. In the event that the person concerned fails to undergo any medical examination required by the Board, or if the medical evidence is inconclusive, the Board shall exercise its judgement on the basis of the evidence available to it.
- C.4.11 The Board's decision shall be recorded in writing and shall contain its findings on the main facts and on the medical evidence available to it, as well as its conclusion as to whether the person concerned should be required to resign on medical grounds. The Board shall specifically record the matters it has taken into consideration in determining whether any reasonable adjustments can be made to enable the person concerned to remain in employment. If the Board concludes that the person concerned should be required to retire on medical grounds it shall clearly so state and, in the case where the person concerned is a member of the USS, confirm that in its opinion she is suffering from permanent ill-health or infirmity.
- C.4.12 It is the responsibility of the Board secretary to ensure that the Principal and all the parties to the hearing receive a copy of the decision. The decision document which shall be signed by the Board shall be sent to the person concerned as well as her representative, except in the case where it is clear that the representative has authority to act in place of the person concerned, or in any other case with the consent of the person concerned.
- C.4.13 Upon receipt of the Board's decision, the Principal shall consult the Governing Body prior to making any decision to terminate the employment of the person concerned but in so doing shall, in so far as possible, respect medical confidentiality. She shall arrange for a Special Meeting of the Governing Body called specifically for this purpose and shall keep the person concerned and/or her representative informed as to the process. Prior to making any decision to terminate the employment of the person concerned on medical grounds, and depending on the circumstances of the case, including the length of time taken, the Principal

may afford her an opportunity to retire on such grounds in accordance with the rules of the USS where applicable.

- C.4.14 In the event that the Board does not determine that the person concerned should be required to retire on medical grounds, for example because it is not satisfied that she is incapacitated on medical grounds, the Principal shall consider the position and, if she so determines, may invoke the Disciplinary Procedure at any stage including requesting the Governing Body to appoint a Senior Academic Disciplinary Committee.
- C.4.15 In the event that such a Committee is appointed, it shall proceed in accordance with the procedures established under Part III save that any findings of fact made by the Board shall be binding on the Committee.
- C.4.16 No decision as to termination or otherwise implementing the conclusion of the Board shall be implemented until after any appeal has been determined under Part V of Statute XI.

#### *D. Appeals Procedure*

- D.1. A Notice of Appeal against any decision under Parts II, III or IV of the Statute must be served on the Principal within 28 days of the decision. The Principal shall bring the fact that an appeal has been made to the attention of the Governing Body and inform the appellant that she has done so. If in all the circumstances of the case the Principal in her discretion considers it appropriate she shall call a Special Meeting of the Governing Body for the purpose of bringing the appeal to the attention of the Governing Body and in any event will ensure that the appeal is brought to the attention of the Governing Body within 28 days. The Principal shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or her position in the College pending the outcome of the appeal.
- D.2. The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of Statute XI who shall be called the Chair, and two further persons in accordance with Clause 29(iv) of the Statute, who shall sit with the Chair if the Chair so decides under Clause 4 of this By-Law.
- D.3. In the event that the notice of appeal is not served in time in accordance with Clause 28 of the Statute, the Chair shall consider the circumstances of the case including the length and the reason for the delay and the grounds of appeal and shall determine whether justice and fairness require that the appeal shall be permitted to proceed.
- D.4. The Chair shall consider whether to sit alone or with two other persons. In the event that she decides to sit with two other persons, they shall be the persons appointed by the Governing Body in accordance with Clause 2 above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chair in the event that the Chair sits alone.
- D.5. The Chair shall appoint a date, time and place for the hearing and shall make such other directions for the disposal of the case as appear to her appropriate including the joinder of other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.
- D.6. Notice of the date, time and place and any directions made by the Chair shall be served on all parties to the appeal at least 14 days before the date appointed and the appellant shall be notified of her right at her own expense to be represented by another person who may,

but need not, be legally qualified. The appellant and any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.

- D.7. Any committee, board or other body shall, if joined as a party to the appeal by the Chair, appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal, such response to be served on the Appeal Body, the appellant and any other parties at least seven days before the day appointed for the hearing of the appeal.
- D.8. Any hearing of the appeal may be adjourned or postponed at the discretion of the Chair. The Appeal Body may dismiss the appeal for want of prosecution. However no decision to dismiss in such circumstances shall be made without first having provided the appellant with an opportunity to make representations whether orally or in writing.
- D.9. Except as provided in Clause 8 of this By-Law no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by her to represent her.
- D.10. Each party to the hearing shall be entitled to make a statement and to address the Appeal Body. Witnesses may be called with the consent of the Appeal Body. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall only be given if the Appeal Body is satisfied that it is necessary or expedient in the interests of justice.
- D.11. Subject to the provisions of the Statute and of this By-Law, the Appeal Body shall determine its own procedure. The Chair may at her discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.
- D.12. In accordance with the provisions of Clause 30(iii) of Statute XI the Appeal Body may allow or dismiss an appeal in whole or in part or remit the appeal in such manner and for such purpose as it sees fit within the provisions of Clause 30(iii) of the Statute. In the event that the Appeal Body remits the appeal in accordance with Clause 30(iii) (a)-(d) the Chair may set such time limits for further consideration as she considers appropriate.
- D.13. The reasoned decision of the Appeal Body, including any decision under Clause 30(iii) (a)-(d), shall be recorded in writing and shall be sent to the Principal and to the parties to the appeal.
- D.14. The Chair may, by an appropriate certificate in writing, correct any accidental errors and/or any omissions in documents recording the decisions of the Appeal Body.

#### *E. Grievance Procedures*

##### **E.1. Bringing a Complaint**

- E.1.1 A member of academic staff to whom this Statute applies may bring a complaint under Clause 34(i) of Statute XI about the matters specified in Clause 33 provided that she has exhausted any other relevant avenues of complaint.
- E.1.2 Any complaint should be addressed in the first instance to the Principal and should be made in writing. (Any complaints against disciplinary warnings under Clause 13 should specify with sufficient detail the grounds of complaint and any supporting information.) The complainant should specify whether she wishes any aspect of the matter to be kept confidential at this stage.

## **E.2. Investigating a Complaint**

- E.2.1 The Principal (which expression includes anyone appointed to act instead of her) shall consider any complaint made to her as quickly as she reasonably can and shall take steps to investigate the matter. At this stage she may appoint one or more people to investigate the issues on her behalf but shall whenever possible meet with the complainant for the purpose of considering the complaint generally and agreeing or establishing the further steps which may be taken. In any case where the complaint relates directly to the conduct of the Principal, the latter shall appoint the Vice-Principal (or the most Senior Fellow available) to act as an alternate.
- E.2.2 The Principal shall consider in the first instance whether other remedies available to the complainant have been exhausted and may, if in all the circumstances of the case it seems right, refer the complainant to the appropriate channels for resolution of her complaint prior to taking any further action.
- E.2.3 If in any other case other than an appeal against a disciplinary warning the Principal forms the prima facie view that the complaint should be dismissed or that no further action should be taken for the reasons set out in Clause 34(ii) of the Statute, she shall so inform the complainant and invite her views before taking further action. Upon receipt of the complainant's response, or in the event that no response is received within 21 days, the Principal shall consider the matter further and shall take such action as seems to her right including dismissing the complaint. The Principal shall notify the complainant of her decision at the earliest opportunity.
- E.2.4 Provided that she acts within 10 days of receiving the decision of the Principal under clause 2.3 above, the complainant may refer the matter to the Governing Body. If a majority of the Governing Body so determines, it may appoint a Grievance Committee to hear the complaint notwithstanding it has been dismissed by the Principal.
- E.2.5 In any case where, upon due consideration, the Principal is satisfied that the subject matter of the complaint may properly be considered with, or forms part of, a complaint under Part III, or a determination under Part IV or an appeal under Part V of Statute XI, she shall so inform the complainant and defer any further action on it until such time as the complaint, determination or appeal has been heard or the time for instituting has passed.
- E.2.6 In any case where upon investigation the Principal is satisfied that the complaint concerns an act or omission which may amount to a criminal offence, she shall so notify the complainant and, subject to any representations the complainant may make, shall consider whether, and if so what, further action may be taken in relation to the complaint within the College's grievance procedure.

## **E.3. Informal Resolution**

- E.3.1 In any case where the Principal does not dispose of the appeal or defer it under Clause 34(iii) of the Statute or under the provisions of this procedure, she shall consider whether it may be capable of informal resolution. The Principal shall take into consideration the nature and ambit of the complaint and the wishes of the complainant and have particular regard to the interests of justice and fairness. Before attempting informal resolution the Principal shall consider whether the complainant or any other person may benefit from the assistance of a

third party in connection with the complaint and shall consider in particular whether professional advice should be sought.

- E.3.2 If the complainant objects to informal resolution the Principal shall consider whether to refer the matter to a Grievance Committee or take any other action as she sees fit.
- E.3.3 In any attempt at informal resolution the Principal shall have regard to confidentiality as far as possible and shall ensure that the interests of the parties to the matter are considered at all stages.

#### **E.4. Grievance Committee**

- E.4.1 In any case where the complaint has not been disposed of by the Principal, or where an appeal is made under Clause 13(ii) Part III of Statute XI, the Principal shall refer the matter to a Grievance Committee ("the Committee") established in accordance with the provisions of Clause 36 of the Statute. The Governing Body shall appoint one of its members to act as Chair. The Principal shall notify the Committee of the nature of the complaint or appeal and shall provide the Committee with copies of any statements or other relevant documents which she considers will assist in the fair disposal of the matter. Any appeal under Clause 13(ii) Part III of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.
- E.4.2 The Principal shall notify the individual concerned that the matter has been referred to the Committee and shall provide the individual concerned with copies of the documents which she has provided to the Committee.
- E.4.3 The Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Committee may appoint someone to act as secretary to assist in all aspects of the grievance shearing or appeal and the preparatory steps. The Committee may call for written statements from the individual concerned or any other person and may cause such investigations to be conducted as appear appropriate, if necessary by an independent person specifically appointed for the purpose. The Committee shall appoint a time for the matter to be heard and may make such arrangements as it considers fit for the fair and just hearing of the matter. The Committee may appoint its Chair to act in its stead in all preliminary matters. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- E.4.4 The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance or appeal lies, shall be entitled to be heard and to be accompanied by a friend or representative. Save that the hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.
- E.4.5 Provided that due regard is had to the interests of justice and fairness, the conduct of the hearing and any associated matters may be determined by the Committee. In particular, the Committee may determine whether and to what extent oral examination of witnesses shall be permitted, whether any evidence may be taken in the absence of the individual concerned (or the person against whom any complaint is made) and whether and what time limits shall be set for the proceedings.

- E.4.6 The reasoned decision of the Committee as to whether the complaint or appeal is well-founded shall be notified in writing to the individual concerned and any person against whom any complaint is made, as well as to the Governing Body. In the event that any part of the grievance or appeal is upheld, the Committee shall also notify the Governing Body of its recommendations as to the proper redress for the individual concerned and any other recommendations as it sees fit.
- E.4.7 No appeal lies from the decision of the Committee save that the Governing Body shall be entitled to accept or reject any recommendations made under Clause 4.6 above.

Last amended 14.06.23

## BY-LAW XXV. PROVISIONS CONCERNING THE BY LAWS

- 1 The By Laws shall be read and construed in accordance with the Charters and Statutes of the College.
- 2 The By Laws may be altered or repealed by the Governing Body in accordance with Statute I, 7 at a Stated or Special General Meeting. Any proposed alteration to the By Laws shall be circulated with the Agenda of a Stated or Special General Meeting at least fourteen days before the meeting at which it is proposed to alter the By Laws.
- 3 A copy of these By Laws and of any subsequent alterations to them shall be sent to every Fellow who is a member of the Governing Body. Lecturers will be informed that the complete By-Laws can be inspected in the Principal's Secretary's room.
- 4 The financial appendix to the By Laws shall state the stipend of the Principal; the stipend scale for Tutors; the emoluments of the following Officers:  
The Vice Principal;  
The Dean;  
The Tutor for Graduates;  
The Library Fellow;  
The Information Technology Fellow;  
The Domestic Fellow;  
  
the allowances of the Principal, of Official Fellows and of Lecturers; particulars of the housing loans which may be granted to Fellows; the retaining fee of non stipendiary Lecturers; the directing fee payable to Lecturers; the research grants payable to Tutors who have no University appointment; the payment for the attendance by the Dean of Degrees at Degree ceremonies; the living out allowance payable to Tutors. The financial appendix shall also state College Officers' entitlements to teaching remission in addition to, or in lieu of, part or all of their emoluments where such arrangements have been agreed at an Ordinary Meeting of the Governing Body.
5. This appendix shall be circulated to all those who are entitled to a copy of the By-Laws; and those persons shall also be notified of all revisions to it made by the Governing Body.
6. Words in these By-Laws importing the feminine gender are adopted by convention and in accordance with Statute XIV, and shall be read as importing the masculine gender, or no acknowledged gender, as and when appropriate.

Last amended 13.11.19